

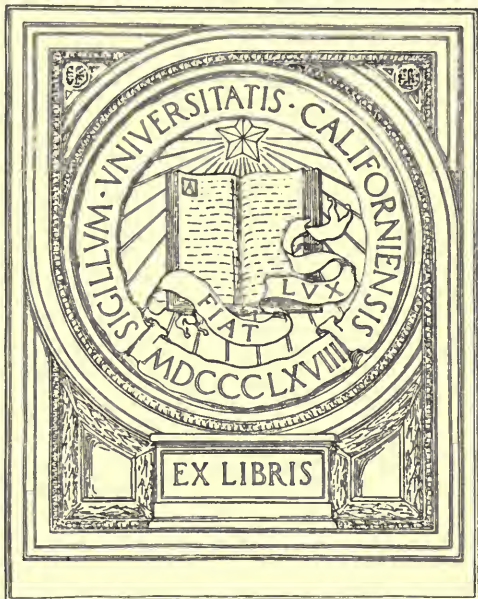
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THE  
INDIA QUESTION  
IN 1853.

BY  
HENRY T. PRINSEP, ESQ.,

LATE MEMBER OF THE COUNCIL OF INDIA.



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THE  
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CHAPTER I.

INTRODUCTION.

It is a leading feature of the system of government established for our Indian possessions, that while the administration has been continued in the hands of the great Company by which, or under whose management, they were acquired, there shall at the end of every twenty years be rendered to Parliament and to the country a full account, as well of their actual condition, as of the manner in which all the duties of this important trust have been discharged. This vigessennial accountability dates from A.D. 1773, when Warren Hastings and his Council were appointed by a special Act of Parliament to the Government General of India, and when independent Royal Courts were first established, with the avowed object of affording to the population of that country a means of redress for oppressions suffered from the acts of the local Government or of their officers. At the end of every twenty years from that

date there has been a revision of what was heretofore the Charter of the Company, but latterly, since the grant of charters has been dispensed with, may be termed the legislative constitution of the authorities by means of which the territories and possessions which constitute British India are governed from England and locally administered. At each successive revision, extensive changes have been made, after a searching investigation of every branch and department of Indian affairs.

The limit of twenty years for the recurrence of these revisions was, in the first instance, accidental. The affairs of India were subjected to a severe scrutiny at the close of the government of Warren Hastings, in 1784. Edmund Burke took the lead in that inquiry, and prosecuted it in a spirit of bitterness against the East-India Company and its servants in India, which found vent at last in the famous impeachment and seven years' trial of the ex-Governor-General. The India Bill of Mr. Fox was an earlier fruit of the investigations so instituted. It aimed at no less than a transfer of all administrative duties and all patronage and responsibility from the East-India Company to a Board of Crown and Parliamentary officers. But the change thus proposed was too violent for the times. It was encountered by a combined opposition of the commercial and middle classes of England, with all of the aristocracy who professed conservative principles, and the younger Pitt, offering himself as a leader, Mr. Fox's government of coalesced parties fell before them, and Pitt rose out of the struggle on this ques-

tion to an eminence of influence and authority which no minister of this nation, before or since, has ever reached. Several temporary bills were introduced by this minister and by his colleague Dundas, in substitution for the sweeping changes proposed by Fox, and these were at last consolidated into a general regulating Act, in 1793, just twenty years after the Act of 1773 had been passed for the appointment of Warren Hastings and his council to the general government. The establishment of a council of ministerial officers as a Board of Control, to supervise and direct the proceedings of the East-India Company in its relations especially with the governments of India, was the result of this party struggle. The Act of 1793 contains provisions for regulating the constitution and powers of this Board, and for settling and improving the other administrative establishments, provided for India at home and abroad, without altering materially in other respects their condition and privileges.

In 1796, by an arrangement between the Crown and the East-India Company, the armies of India were placed on the footing on which they now stand ; which was an important supplementary measure to complete the constitution of government so established ; and thus it remained without change until the completion of twenty years from the date of passing the Consolidated Act of 1793.

In 1813, after a less searching scrutiny than that which party spirit had instigated on the former occasion, the lease of the East-India Company, if we may be permitted so to call the scheme of trust-

management thus devised for India, was renewed for a further term. The only material change made on this occasion, was the admission of the merchants of England to a free participation with the East-India Company in the benefits of trade with the presidencies of India, and the confinement of the exclusive commercial privileges enjoyed by the Company to China. The crisis of the continental war, at that juncture impending, may account for the little interest felt in this revision, which was conducted by a government of highly conservative principles.

In 1833, when the period recurred for a third revision, the Parliament of England had been recently reformed, and the party which professed the principles and cherished the memory of the authors of the India Bill of 1784 were then in power. Extensive changes therefore were expected; but with exception to the abandonment of commercial dealings of all kinds, which was required from the East-India Company as the condition of their being continued in the trust-management of the territory, the result of this revision produced only some experimental efforts to improve the constitution of the Indian Governments and the character of their legislation, and left the Home Authorities, that is, the Court of Directors, the proprietors of East-India Stock, and the Board of Control, very nearly in the same condition as before.

We are now in the year 1853, and the period has arrived for a fourth revision. Committees were last year appointed in both Houses of Parliament, to make the necessary preliminary investigations,



and a Bill is expected to be brought forward in the session of this very year to provide prospectively for the management of the extensive empire which the nation has now acquired in India. In order to preserve consistency with former precedents, the Act should be passed to take effect on the first of May, 1854, both here and in India. Making every allowance for the accelerated communication between the two countries now provided by steam, it would be scarcely safe to let the passing of this important measure lie over to be completed in the session of 1854. We presume, therefore, that the Government will feel the necessity of propounding its scheme before Parliament rises; and in the hope that it will not be without utility to collect into one view the several matters that require to be considered and arranged; and the suggestions and opinions that have been offered, we shall devote these pages to an impartial examination of the subject, using for the purpose the materials afforded by the press of India and of England, as well as the Reports and Parliamentary Evidence.

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## CHAPTER II.

### CONDITION OF INDIA IN 1833 AND 1853—POLITICAL.

LET us inquire in the first place what was the condition of India in 1833 contrasted with that now presenting itself, and what were the improvements attempted—the experiments in legislation made in

that year, and with what results. Having premised a short review of the status of things at these two periods, it will follow to show what has now to be determined with reference, either to India, or to the governing authorities established to secure the possession of that country for the nation, and to administer it for its honour and advantage.

The condition of India in 1833-34 and 1853 has to be considered in three points of view : first, politically, using the word in the conventional sense applied to it in India, that is, with reference to the relations subsisting between the British nation and its governments on the one hand, and the native states and native populations on the other ; secondly, financially, with reference to the revenue realized, the charges thereupon, and the debts incurred ; thirdly, morally and socially, with reference to the efforts made to provide an efficient and satisfactory government, and to improve or benefit the people under our immediate rule. The subject, as thus divided, is wide, but we shall treat it only in brief abstract, leaving those who would study it in detail to seek the full development of each head in the Parliamentary Papers and other Reports to which we shall have occasion to refer.

The early growth of the British power in India, and its progress from 1753 to 1773, and from 1773 to 1793, belong to history, which has at last done justice to the achievements in these periods of Clive, Hastings, and Cornwallis. Between 1793 and 1813 there was a great further stride made in advance, the wars and diplomatic arrangements of Lord

Wellesley having much extended the territory directly under British dominion, and having placed the native states which survived them, in altogether new relations. This Governor-General conceived the magnificent design of bringing the entire Peninsula of India, together with northern Hindostan, to the outer range of the Himalaya, into a condition either of absolute subjection or of protected dependence. But he was arrested in the prosecution of this grand scheme by the fears of those to whom he was accountable in England, and by the financial difficulties his great exertions superinduced. The completion of his policy was left for the Marquess of Hastings, and belongs to the period between 1813 and 1833.

When this last-named Governor-General retired in 1823, he left the supremacy of the British power firmly established over the whole of India, from the Sutlej and Himalaya to the sea. The Mahrattas, in the days of Clive and Warren Hastings, had contended with the Mahommedans for the sovereignty of India, but were driven back into the Deccan by the disastrous defeat of Paniput. Recovering from that check, they had reappeared in Hindostan, and were, in the days of Lord Wellesley, in a condition to contend there for supremacy with the British nation, but were a second time broken and driven out of that field by the effect of the wars of 1803-5. Still, not crushed by those wars, the combined chiefs of that nation made in 1818-19 a final struggle for independence, and even for ascendancy. The chiefs, however, were, with one exception, separately de-

feated, and brought to accept territory on the express condition of protected dependence. The single exception was Doulut Rao Sindheea, who, by early submission to the terms proposed, escaped the consequences of a collision and defeat. He died in 1827, and his widow then adopted a boy from a distant collateral branch, during whose minority she governed as regent under British countenance and support. In 1833, the adopted son, at the instigation of his ambitious father-in-law, asserted his right to the sovereignty as heir of Doulut Rao, and by a course of intrigue and violence, in which he was overtly supported at a critical moment by the British Resident at Gwalior, and by the troops officered from the company's army, expelled the Regent-mother, and compelled her to seek refuge in the British territory. Such a revolution could not have occurred at any other court, without our prompt interference to settle it and prevent bloodshed. But the unbroken spirit of the military establishments at Gwalior presented materials for future trouble. Elsewhere the Mahratta courts were in the same state of helpless dependence as the courts of Oude and Hyderabad, but the chiefs of that nation had not fallen into the same habits of profligate self-indulgence, and reckless indifference to the well or ill-doing of their officers and subjects.

West of the Sutlej, Runjeet Singh was, in 1833, jealous and distrustful, but friendly to a degree bordering on subservience. Beyond the Punjâb no attempt had yet been made to establish permanent diplomatic relations, and with Sindh we were



only commencing the endeavour to cultivate a commercial intercourse.

Nepâl and Ava had received British Residents, the former in 1816, the latter in 1826, and both states were fully sensible of their inferiority in power and resources, but jealous in the extreme of further intimacy, and sedulously cultivating the means of resisting expected encroachments on their independence. Such was the political condition of India in 1833. How does the British power now stand, as the result of twenty years of diplomatic administration since that date?

We have suffered in name and credit, as well as in purse, by a premature attempt to reduce Afghanistan to the condition of a protected state under a friendly prince. From the disastrous consequences of that attempt we had no sooner recovered, than the death of the chief, and a fresh succession at Gwalior, embroiled us with the turbulent military of that state. The collision, however, brought the Sindheea family down to the same level with other Mahratta chiefs, and has added considerably both to our influence and resources.

The death of Runjeet Singh during our attempt on Afghanistan, and the struggle of factions and of military chiefs in the Punjâb which followed, cast the whole power of that state into the hands of the mutinous army; and, with a large accession of refugees from the discontented and discharged Mahratta establishments, and of deserters from our own armies, a power was organized at Lahore in 1845, presumptuous enough to enter upon a war

with us of invasion and of professed expulsion from Hindostan. For this final struggle we were compelled to collect larger armies and to put forth a greater display of strength and resources than upon any former occasion. The triumph, however, was commensurate with the exertions made, and the result has left us masters of the entire Punjâb, and of the Indus to the sea, with Peshawur as an outpost of attack or defence towards Afghanistan: Sindh had been seized antecedently on the plea of its ruler's doubtful fidelity during the Afghan troubles.

Thus besides the consolidation of relations with Sindheea, and the occupation of Sattâra, and other acquisitions by lapse or conquest within the pale of the supremacy fully recognised and established in 1833, we have in 1853 added the entire plain washed by the river Indus and its tributaries to the territory directly administered by British officers. Our frontier now reaches to the mountains west of that river which shut in the lawless half-civilized tribes of Afghanistan. This new territory, be it observed, is co-extensive with any one of the four Presidencies into which the Act of 1833 divided the British possessions in India; and its annexation is an important circumstance to be borne in mind in framing arrangements for the future.

Large as is this extension of our dominion, it was no aim of our policy of the period to make the acquisition. The Sikhs were jealous neighbours, like the Nepâlese and Burmese, and like them cultivated a national spirit and gave a military organization to their population. Instead, however,

of giving them security, this very spirit and organization were their ruin. For a revolution giving power to the ignorant and presumptuous, and to men who rose to eminence by pandering to this spirit, and by holding out hopes of conquest and aggrandizement to the army, the collision was forced on, which terminated in reducing the Sikh territory to the condition of a British province.

The lesson is an important one, teaching that no prudence or forbearance on our part can give security against similar aggression from any neighbouring state which cultivates the military spirit. With such, our diplomacy is confined to the avoidance of any legitimate cause of offence. We have no British party to be maintained and supported, but studiously refrain even from offering advice, or from interfering in the intrigues and quarrels which are continually occurring. Yet instead of winning favour by this moderation, it is often construed into fear, and thus invites insult and aggression. Nepâl and Ava are, however, the only remaining powers with which we have relations of this kind, and with the latter state we are now embroiled and in actual war. Everywhere else in India our political supremacy is so confirmed, and so generally recognised, that it is the business of the Government, and of its Residents and Agents, to endeavour so to direct the counsels and proceedings of the Courts, as shall best prevent confusion and preserve tranquillity. We talk much of counselling them to study the good of their subjects, and to improve their methods of administration; but all advice of

this kind is but words thrown away. The protected Courts despair of achieving real independence by an appeal to force ; but regarding their guaranteed position as a means of governing at will, and of raising the largest possible revenue with the least personal trouble, for purposes of pomp and of self-indulgence, they resist advice, howsoever disinterested, as an interference with the rights of internal administration reserved by their treaties ; and for the defence of these, besides engaging in discreditable intrigues through corrupt agents, they use now litigious means, engaging professional European advocates, and enlisting the services of the press, English as well as Indian, which they have discovered to have greater sway with Governments, organized like those provided by the British Legislature for India, than any array of bayonets or cannon they could bring into the field.

There are not wanting in England able and well-meaning men, who argue stoutly for the right of these protected Princes to do what they like with their own ; but statesmen, more wise and foreseeing, take a higher view of the obligations the British nation has come under, by assuming the position of supremacy it occupies. In all ages, and amongst all nations, sovereignty carries with it the duty of acting as guardian and protector of the population. It was declared in a memorable despatch of the secret committee, dated as far back as 1830, that we owed it to the people of India to secure to them always a beneficent Government — if through the maintenance of the native states and their institutions,



so much the better; but under their failure, by such other means as would secure the end with least violence to the habits and the feelings which prevail. This is a wise and true principle, which we hope to see recognised, confirmed, and enforced by legislative authority upon the present occasion.

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### CHAPTER III.

#### CONDITION OF INDIA IN 1833 AND 1853.—FINANCIAL DEBT AND REVENUE, THEIR INCREASE.

HAVING thus explained briefly the political condition of India in 1833 and 1853, pass we now to a view of its Finance.

When Lord Hastings left India in 1823, the revenue was in a condition to afford a considerable surplus, after paying all charges of the local as well as of the Home Administration. He availed himself of this surplus to pay off a part of the Indian debt, and to reduce the rate of interest on the remainder from 6 to 5 per cent., and a commencement was made of the further reduction to 4 per cent. In 1824-25, the first Burmese war occurred to arrest these financial operations, and the Indian debt was increased in consequence, between that year and 1830, from £26,468,475 to £39,918,488, making an increase of thirteen millions and a half, as the result of that rupture, and of the capture of Bhurtpoor, which was achieved in the same period.

In the period from 1829 to 1833 the economies

of Lord William Bentinck had nearly restored our Indian finance to its former wholesome condition of surplus, after providing for all Home and Indian charges, and the debt of India was also reduced in 1834 to £35,463,483. When the Act of 1833 therefore passed, there was every prospect of permanent financial prosperity giving the power of devoting revenue to works of necessary improvement. That Act imposed the obligation of withdrawing wholly from commerce, and compelled the remittance of what might thenceforward be required for home expenditure by mercantile bills freely negotiated in the markets of London or of India. The sale of the commercial properties of the East-India Company which ensued, yielded considerable sums, applicable further to reduce debt and otherwise assist the Indian finance, which thus continued to prosper without intermission until the fatal resolution was adopted of restoring Shah Shooja to the throne of Afghanistan.

The condition of the finance of India for the period from 1834 to 1853 is best illustrated by a statement ; but before introducing one it will be necessary to explain a difference uniformly apparent between the accounts of India made up in rupees, and those made up in pounds sterling, for the purpose of being annually laid before Parliament. It will be necessary further to explain the change made in 1835-36 in the coin of account, the Bengal sicca rupee being then banished from the books of the Indian Government, and the Company's rupee, which contains one-sixteenth less of pure silver,

being established as the coin both of currency and of account for all the Presidencies of India. This coin bears the effigy of the British Sovereign, and the resolution to strike it, and to give it a weight and value capable of substitution for all the various currencies then enjoying the privilege of being a legal tender, was adopted at the time of giving effect to the Act of 1833. The project for this change was one of the first measures submitted to the Government of India when it was legally constituted under the provisions of the Act of Parliament upon the return of Lord William Bentinck to Calcutta from Ootakamund towards the close of the year 1834. The Company's rupee weighs 180 grains, of which 165 are pure silver and 15 alloy. The florin of two shillings weighs  $174\frac{1}{2}$  grains and contains 161·4 of pure silver, a difference too small to be perceptible or to bear any assigned value ; but the English coin derives its local value in exchange, not from the quantity of pure silver it contains, but from its fractional relation to the pound sterling or gold sovereign, which is the basis of our monetary system. Silver coin in England is subject to seigniorage duty of four shillings in the pound Troy, or nearly 6 per cent., and is a legal tender only for forty shillings, whereas our Indian rupee, which is coined for the public at a charge of 2 per cent., is there the exclusive legal tender for any amount. The recent redundancy and fall in the price of gold has brought our Indian rupee to more than equality with the florin of two shillings in exchanges, and it is not likely again to fall ; we shall therefore treat it as the equivalent of

two shillings. In the returns laid before Parliament, the value is assigned to it of 1s. 10½*d.*

With respect to the differences of account, it is the custom in India to enter the charges of collection as an administrative disbursement, and to take credit as revenue for the gross sums realized; whereas, in the accounts of England, the charges of collection are ordinarily first deducted, and the net amount only is credited to revenue. This different method of exhibiting the accounts tells especially upon the realizations under the two heads of Salt and Opium, because the large revenue obtained from both is a difference in the price at which these articles are purchased and received into store on the one hand, and that, on the other, at which they are again sold or given out. The outlay for purchase is exhibited as a charge in India, whereas it is in England first deducted, and the remainder only credited to revenue. In order to meet the wishes and to suit the convenience of readers accustomed to either form of account, we give in the following Statement the Indian as well as the English totals, the items of both being furnished by the Report published at the close of last year by the Committee of the House of Commons.



## FROM THE INDIAN ACCOUNTS. ACCOUNTS LAID BEFORE PARLIAMENT.

For the Years	Indian Debt bearing Interest.	Charges for Interest in the Indian Accounts.	Revenue.	Charges.	Revenues.	Indian Charges.	Payments in England.
	£.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	£.	£.	£.
1834-35	35,483,483		21,22,56,236	19,84,22,849	18,652,887	16,684,196	2,162,868
1835-36	33,984,654		21,69,12,685	18,31,82,217	19,546,981	15,095,655	2,109,814
1836-37	29,832,290		21,79,98,881	19,21,47,443	19,674,153	16,215,082	2,210,847
1837-38	30,406,246		21,52,94,596	18,63,84,852	19,534,904	16,450,141	2,304,445
1838-39	30,249,893		21,58,88,967	18,96,29,079	19,819,083	17,585,405	2,615,465
1839-40	30,231,162	1,31,99,549	21,37,00,906	21,32,85,341	18,850,512	18,419,250	2,578,966
1840-41	30,703,778	1,46,54,551	21,95,74,501	20,93,47,278	19,546,418	18,675,467	2,625,776
1841-42	32,051,088	1,57,82,649	22,53,41,375	21,78,60,701	20,469,017	19,405,834	2,834,786
1842-43	34,378,288	1,62,71,657	23,43,03,463	22,76,69,331	21,202,362	20,090,180	2,458,193
1843-44	36,322,819	1,76,97,078	24,62,57,237	23,42,30,531	21,113,511	20,609,697	2,944,073
1844-45	37,639,829	1,74,68,370	24,74,07,708	23,40,32,855	22,183,453	20,442,134	2,485,212
1845-46	38,627,954	1,82,21,041	25,44,36,984	22,44,25,042	22,754,852	21,207,650	3,044,067
1846-47	38,992,734	1,86,11,345	27,00,46,436	25,41,18,965	24,450,052	22,354,739	3,066,635
1847-48	41,798,087	1,99,93,750	25,94,86,688	25,51,94,236	23,348,129	22,244,043	3,016,072
1848-49	43,085,263	2,30,70,948	26,41,15,663	29,46,54,359	23,807,970	22,268,287	3,012,908
1849-50	44,204,080	2,07,59,468	28,48,05,566	25,74,40,915	25,801,968	22,696,844	2,750,937
1850-51	46,908,064	2,22,38,918					

Materials are not yet forthcoming for continuing this statement for 1850-51 and 1851-52. The general result shows, that during the period under review, the territories in the trust management of the East India Company have been so augmented or otherwise improved as to yield at present a gross revenue of twenty-eight crores of rupees or as many million sterling, which is seven crores of rupees or seven millions sterling of revenue more than they yielded in the first year of the term; but that the management entails at the same time an equal augmentation of charge; and the debt, the interest of which is included in the charges of management, has also increased in the period by thirteen, or, allowing for the reduction by so applying the commercial assets, by sixteen millions sterling.

Thus, considered in a financial point of view, we have a growth of the concern in magnitude of more than one-third in twenty years. If we look back to 1813 we find the revenues and charges, and the principal of the debt likewise, more than doubled in the course of the forty years; on the other hand, if tried by the test of net income, that is, of surplus revenue, after discharging demands of all kinds, Indian and home, including outlays for improvements as well as for wars and other contingencies, it would not seem that we are nearer to that point or better off in any respect, upon the balance of receipts and charges, than we were either in 1833 or in 1813. But surplus income for tribute is no test either of progress or of prosperity. England has never in the present century declared tribute to

be the aim of her Indian policy, and if there were now to be exhibited the assurance of a permanent surplus revenue capable of such application, there is not a statesman or public man in the United Kingdom who would venture to claim it as a fair asset of the Imperial Budget. There would be but one voice as to the appropriation of any such surplus. First, discharge or reduce the Indian debt; secondly, prosecute works of improvement, administrative, social or moral, for the benefit of the country governed; thirdly, after fulfilling satisfactorily these duties of the governing authority, remit to the people every rupee of taxation that can be spared beyond.

Premising, then, that the end and aim of the policy by which the East India Company are to be guided in their trust management of India is, that they are to administer for the good of India, and not for the profit of England, the magnitude of the concern, and its rapid growth and extension, are fair sources of pride to the governing country, and a *primâ facie* evidence of success and prosperity. The people governed have nowhere cast us off, but other populations have accepted and fallen under the same rule; and the old sources of revenue, instead of failing, have become more productive.

Let us, however, look a little into the sources of these increases, both of revenue and of charge. In the first years of the period from 1833 to 1850, nothing was added to either head. On the other hand, there was a large reduction made of the total debt to the extent of upwards of five millions

sterling, chiefly through the application to this purpose of the sums realised from the sale of the commercial assets of the East India Company—but not entirely from this cause, for the economies of Lord William Bentinck and of Sir Charles Metcalfe were not without influence also in producing that result.

We find the armies of India standing in the first three years of the statement at the low figure of 186,000 men. The unfortunate Afghan war then added 80,000 men to these armies and seven millions at least to the debt, without yielding any territory or addition of any kind to our resources, being the first and only war in which we were ever engaged in India which had such a termination.

The administration of Lord Ellenborough added Sindh, and some territories of Sindheea, and so produced an increase of more than a million sterling, both to revenue and to charge. But the warlike attitude assumed against the Afghans could in no respect be relaxed, and there was no return to the peace establishments of the years 1834-37, and no attempt made to seek the restoration of finance by the old process of retrenchment and military reduction. The condition of the Punjâb rendered this impossible, and produced the final struggle from which the great acquisitions of the period, since the last Charter Act, have resulted, the merit and glory of which have to be divided between Lord Hardinge and the Marquess Dalhousie. The territory thus added yields a gross land revenue which is expected, when properly settled, to reach two millions ster-



ling. It already amounts to a crore and a half of rupees.

The more recent annexation of Sattara appears, through some strange management of the Bombay government, to have added more charge than it has yet yielded of revenue. But taking the entire of the new territorial acquisitions since 1834, their gross revenue cannot be set down at so much as one-half of the gross increase exhibited in the above statement. The remainder has arisen from lapses and resumptions enforced in the old territory of the East India Company, or from the improvement of existing sources of revenue, and the productive yield of fresh or substituted taxation.

In Appendix No. 1, attached to the Report of the House of Commons' Committee, is a comparative statement for the years 1834-35 and 1849-50, which enables us to explain briefly the principal sources of these improvements. The statement, though given in pounds sterling, exhibits the gross realization, as exhibited in Company's rupees in the Indian accounts, together with the charges of collection, &c. which are deducted in making up the accounts annually laid before Parliament, as above explained. We find in this statement the total of the gross land revenue of India set down at £13,043,462 in 1834-35, and in 1849-50 increased to £16,915,035, including the million and a half or two millions sterling obtained from recent new acquisitions. More than half a million is claimed as the result of resumptions and lapses in the two divisions of the Bengal presidency, and as much

more from greater regularity in the annual realisation from lands under settlement. But it must not be assumed that any part of this increase is ascribable to an enhancement of rents upon the individuals and estates which contributed the revenue of 1834-35, excepting in so far as they were subject to it either by the terms of their engagement, or from liability to the processes applicable to unsettled lands. The officers of account remark, that in old settled districts the land revenue has a tendency to diminish rather than to increase, and this notwithstanding that realisation by sale is, in Bengal, the ordinary process for recovery in case of default, and the law for this has been made more stringent than in the early years of the period. The ryotwar settlement of the Madras presidency, which was introduced by Sir Thomas Munro, on the ground of its affording greater security to the cultivating proprietors, has especially failed, either as a source of improved revenue to the Government, or a benefit to the classes for whom it was devised. There is a discussion of this question in the book recently published by Mr. George Campbell, a revenue officer of the Agra division of the Bengal presidency, well competent by study and experience to form a sound opinion. His observations on the subject are deserving of attention, nor do we see how his conclusions against the system are to be resisted. We speak of it here, however, as a measure of finance only. Its effect on the social condition and well-being of the population is a different branch of the question.

The land revenue system of Bombay is also yet unsettled; but important as the subject is, considering that our settlements are the basis of property in land, these are not questions for British legislation. The determination of all matters of local administration, whether of revenue, of police, or of justice, must be left to the local governments and to the legislature that may be provided for India. Interference with them, even for limitation of the powers they have exercised in these departments, can only be injurious. To this part of the subject, however, we shall have occasion to advert more fully hereafter.

While the land revenue has thus been augmented from thirteen millions sterling to nearly seventeen millions, the charges incident to the collection of this impost have increased since 1834-35 from £2,987,103 to £4,284,888, so that the net amount realised and credited to the head in the Parliamentary accounts stands, for the two years, at £10,058,359 and £12,630,147 respectively, showing an increase of only two millions and a half from this source. The causes of the increase in the ratio of the charges belong also to the head of social and moral changes incident to the course of British administration in the period under review, and will there be noticed.

The Customs' Revenue exhibits no improvement, but the contrary. The net receipts at all the Presidencies of India under this head were, in 1834-35, £1,317,862, and in 1849-50, only £1,190,135. This is accounted for by the abolition of Inland

Customs, and by the equalisation of duties on sea-borne commerce to all foreigners ; consequently, on the adoption in India of the principles of free trade. The duties on the manufactured goods of Europe imported into India were, in 1834-5, at the low rate of  $2\frac{1}{2}$  per cent. if wholly British ; but were doubled to the foreigner, first, for the place of production, and again for the bottom of import. The produce of India was subject to a similar duty upon export, similarly doubled and quadrupled. When the Transit or Inland Duties were abolished, the rate of Sea Customs' duty was increased first to  $3\frac{1}{2}$  per cent. and afterwards to 5 per cent. ; but this increase has not covered the loss suffered through the change of system. Staple articles of raw produce wanted for the manufactures of England, or entering into competition with tropical goods of other countries, have been exempted altogether from export duty, which has occasioned a further loss of revenue. It appears strange that so small a proportion of the general revenue of India should be levied in this form, when we consider the importance and the magnitude of her commerce ; but this is a consequence of being the dependency of a commercial nation professing free-trade principles, and desirous by all means to extend its own dealings. A tax of 10 per cent. on the manufactures of England imported into India, such as is levied on those of India brought to England, would create an outcry at Manchester that no government could stand against.

The next material head of receipt is the Salt



revenue. The total amount realised in the three Presidencies of India in 1834-35, from imposts on this necessary of consumption was £2,080,594; deducting the outlay for purchases and for charges (£766,515), the net receipt in that year was £1,314,079. In 1849-50, this resource yielded gross £2,419,107, from which deducting charges reduced to £393,362, the net realisation from salt amounted to £2,025,745, showing an improvement of more than 50 per cent. This has been owing to new imposts levied at Bombay and in the North-Western Provinces of Bengal, in the latter of which the rate of duty has been equalised with that of Bengal, and in the former with that of Madras. The encouragement of sea import at a rate of duty professing to be equal to the profit realised on the Bengal manufactured salt, has destroyed, or at least much reduced, the local production in that part of our Indian territory, to the injury of those to whom it gave subsistence. This change of system, however, has told on the aggregate of charges, and shows itself also in a diminished revenue in Bengal proper. But the duty has been lowered to the consumer, and there has resulted an augmentation of the supply furnished for consumption through both sources. The Bengal duty is now Rs.  $2\frac{1}{2}$  per maund of eighty pounds, instead of  $3\frac{1}{4}$ , as it was in 1834.

But the greatest improvement of the existing sources of revenue is apparent in the contrast of the opium receipts of 1834-35 and 1849-50. In the former year the gross realisation was £1,256,549, from

which, deducting the cost of the opium and charges, £528,032, the net profit was only £728,517. In 1849-50, the gross receipt was £4,216,176, the cost and charges £906,539, yielding a net revenue of £3,309,637. This is accidental and not to be depended upon as permanent, the revenue being always fluctuating and dependent on the facilities for disposing of the opium in China. The net receipt of the previous year was only two millions and a half. But the total quantity of opium provided from both sides of India is now quadrupled at least, as compared with the provision of 1834-35, which necessarily ensures a larger receipt into the treasury from the larger supply exported. The increased provision is shown in the charges brought to account in Bengal, but the impost in Bombay, being levied in the form of a pass duty per chest, there is no difference of charge apparent there.

The stamp duties of India yielded, in 1834-35, a net revenue of only £322,261, which, in 1849-50, was increased to £428,829. More than the half of this is a tax on exhibits, on petitions, on processes, and on witnesses, and thus is a tax on law proceedings; the remainder is a tax on deeds and commercial papers; but the revenue and the principles on which it is levied are the most unsettled and questionable of all the assets of the public income. It is wholly of European origin, nothing of the kind having existed under any native government.

The other heads of receipt are small, having no bearing on the finance of the country considered in the gross, as we are now doing. The general result

shows an improvement of the revenue in the comparison of 1849-50 with 1834-35, to the extent of seven millions sterling, but two and a half millions sterling of this must be set down to opium, and is therefore fluctuating and precarious ; half a million and more is realised from an improved salt revenue, and of the three millions obtained from an improved land revenue, about two are realised from new acquisitions, and the remainder from lapses and resumptions.

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## CHAPTER IV.

### FINANCIAL REVIEW CONTINUED.—CHARGES, THEIR INCREASE.

WHEN we look at the charges of administration separately from those incident to the collection of the revenue realised, we find the increase, which amounts to near six millions sterling, thus distributed : the military charges, separately from those of war (viz. from the extra batta to troops and other charges of that kind, which appear under a separate head), stood in 1834-35, at £6,904,263, and were reduced in the two following years to £6,687,384 and £6,657,272 ; but, in 1849-50, they stand at the high figure of £9,406,060, making a difference of two millions and a half ; civil and political charges, called charges general in the Indian accounts, have been augmented from £1,369,215 to £2,054,361, a difference of £600,000 ; judicial and police charges,

from £1,533,860 to £1,914,334, or nearly £400,000; marine charges, through a larger employment of war-steamers, from £191,557 to £253,363, and estimated for 1850-51, £338,411, or say about £100,000. Interest on the debt from £1,774,153, in 1834-35, which was reduced, in 1836-37 to £1,345,619, to £2,050,935, in 1849-50, giving an increase of £700,000. A like amount appears in the accounts of 1849-50, for war charges not incurred in 1834-35. The increase in territorial payments in England is from £1,940,084 to £2,372,837, and of stores sent to India from £234,341 to £378,100, making together a difference of £576,312.—

Military increase	...	£2,500,000
Civil and political	...	600,000
Judicial and police	...	400,000
Marine (steamers)	...	100,000
Interest on debt	...	700,000
War charges	... ..	700,000
Home charges	... ..	576,312
		<hr/>
		£5,576,312

We have thus more than five millions and a half of increased charge accounted for, separately from the necessarily increased charge of collecting the larger revenue.

This analysis, which may be further followed out in detail, by any one who desires it, by reference to the statements in Appendix No. 1 of the Commons Committee's Report, will suffice for the general view which it is our present purpose to present.



The augmentation of military charges is £2,500,000, of civil and judicial charges in the enlarged territory now administered one million sterling.

It is well known to be a characteristic of the East India Company's administration, that all offices of high civil trust and responsibility, and all commissions in the armies of India shall be held by a class of servants sent to India in early youth and bound by oath, and likewise by covenant, to serve the Company faithfully and exclusively. The covenant is a remnant of the old commercial character of the governing body, and is signed by every writer and cadet, and a fresh one is required from every member of council appointed by the Court of Directors; but since the duties of every class of servants have been defined, and their responsibilities regulated by Acts of Parliament, this surely is a superfluous form that might with advantage be dispensed with. Instead of facilitating legal proceedings in case of breach of trust or malversation, its effect has been to screen offenders, for they must be sued under their covenants and not under the general law of liability.

It is the appointment of these servants, however, that constitutes the patronage of the Court of Directors, so valued and esteemed. The impression, therefore, that is likely to be taken up from a first view of the large increase of civil and military charge is, that this patronage must have been proportionately augmented. But this is far from having been the case.

Appendix No. 6 of the Commons' Committee's Report gives a statement of the troops of every description serving and paid in India in every year from 1835 to 1851. The Europeans (Queen's and Company's included), amounted numerically in 1835 to 30,822 men, and the natives to 152,938. In 1851, of the former class there were serving in India 49,408 men, and of the latter 240,121 men; making an increase to the Europeans of 18,586 men, and of native soldiers 87,183 men. This is equal to twenty new regiments of Europeans, and one hundred of natives of the ordinary strength. The real increase of regimented corps has been of the royal army, one regiment of dragoons, and two of infantry. Of the Company's army; to the foot artillery, two battalions of Europeans and two of natives; of European infantry, three regiments, one to each presidency; and of native infantry, three at Bombay, with a small increase to the corps of engineers at each presidency.

The number of officers of the Company's army, on the effective list on the two dates 1835 and 1850, was as follows :—

	Bengal.		Madras.		Bombay.		Total.	
	1835.	1850.	1835.	1850.	1835.	1850.	1835.	1850.
Colonels	99	103	67	72	37	41	203	216
Lt. Colonels	100	104	67	73	37	43	204	220
Majors	99	103	67	72	37	43	203	218
Captains	496	606	350	430	185	252	1,031	1,288
Subalterns	1,188	1,530	840	1,071	444	606	2,472	3,207
	1,983	2,446	1,395	1,718	740	985	4,117	5,149

Thus, for the command of an army augmented by 100,000 men, the additional officers of the covenanted class, the patronage of whose appointments lies with the Court of Directors, has only been 1,000; the numerical ratio, corresponding with the augmentation of men, would have required an increase exceeding 2,000 officers of this description. Upon the assumption, therefore, that the enlarged territory and new circumstances of India require permanently this augmented army, the Court of Directors, instead of being chargeable with having made the necessity for military increase subserve to purposes of their private patronage, are open to the opposite imputation of having greatly stinted the supply of officers required for the increased duties of command.

Every effective officer has his place in some regiment or corps. There are none on half-pay or unattached, available upon any exigency, as in England. The number, therefore, depends on the number of regiments and corps authorised for each presidency and their constitution. Additional captains and lieutenants have been sanctioned to existing corps, but no new native regiments in Bengal or Madras since the last Burmese war under the government of Lord Amherst. Three native regiments were sanctioned for Bombay upon the annexation of Sindh; but the increase to the number of effective men arises principally from the levy by the Indian Governments of local corps and irregular regiments of horse and foot officered from the regiments of the regular army. It is to be

observed that the number of men thus stated in the return made to the Commons' Committee does not include the Nizam's troops and those of other native states and princes, for which officers are similarly supplied from that army. It only includes the soldiers actually paid by the East India Company. Adding the contingents,\* the effective troops at the disposal of the supreme government of India will be understated at 320,000 men, and the complaint is universal that subject as the regular army is to calls for the service of its officers on staff and civil duties, as well as for the command and training of these extra, irregular, and contingent corps, the number of covenanted and commissioned military servants furnished at present by the Court of Directors, is quite insufficient for the duties they have to perform.

In like manner the increased charge of one million sterling for civil, political, and judicial administration, arises from no augmentation of servants of the covenanted class. With territory augmented to the extent of an entire presidency, the number and cost of servants of this description ought each to have been increased by at least one-fourth. But the number has, during the entire period from 1833 to 1849 been nearly stationary, and the cost has been diminished by a quarter of a million sterling.

The following statement shows the condition of

\* The Nizam's reformed troops, and those maintained by other native states, are called contingents, because they have been substituted for troops that the native states were bound to keep up and furnish in aid of the subsidiary forces.



the covenanted civil establishment of India at four periods, for which it was taken, for purposes unconnected with the present Parliamentary investigation, but which being for intervals of ten years, and having been taken without any selection for any party or interested purpose, affords results indicative of the degree in which this class has been favoured, or the contrary :—

	Bengal.		Madras.		Bombay.	
	No. of covenanted Servants.	Salaries and Allowances.	No. of covenanted Servants.	Salaries and Allowances.	No. of covenanted Servants.	Salaries and Allowances.
		Rs.		Rs.		Rs.
1827	348	1,00,62,826	141	30,75,333	103	18,12,877
1837	403	89,38,990	170	32,27,633	101	18,17,177
1847	326	77,09,933	141	27,01,535	92	18,58,366
1849	394	77,19,386	143	26,55,465	93	18,24,664

This return is exclusive of the governors and members of council, and of the civilians still under tuition in the colleges.

Such being the condition of the covenanted services at these periods respectively, it is evident that whatever increase of charge has been occasioned by an extension of the administrative establishments entertained in India for our present larger territories, the benefit has not fallen upon the covenanted class, nor have the East-India Directors felt it in their patronage. A larger employment of the natives of India in our armies and for the purposes of civil government is the sole result of this augmentation, and the expenditure has fallen amongst them, and not amongst Europeans. Whether the change has conduced to

improvement, or the contrary, belongs to another branch of our inquiry.

The Indian debt, bearing interest, which was reduced in the early period under review to thirty millions sterling, stood, in April 1851, at upwards of forty-six millions. The difference, mostly raised at 5 per cent., accounts for the addition of £700,000 to the annual charge for interest. The other differences are not of sufficient moment to be noticed as elements of our financial condition at the two periods, 1835 and 1850 respectively. The general result explained by this brief reference to the principal heads of account must satisfy any one that there is nothing in the financial state of India to call for the interference of the Imperial Legislature. If the debt has augmented, the cause has been apparent in the wars in which the Indian Government has been engaged. The burthen of that debt is not disproportionate to the resources on which it has been laid, and there is no reason whatever to despair of the restoration of the Finance of India to the prosperous condition in which it stood in the early years of the period under review, when there was a surplus applicable to works of local improvement, or to the reduction of the debt. We shall assuredly see this again, whenever India shall be restored to a condition of confirmed and permanent peace. Whether it will be wise, then, to discharge or much to reduce the debt, will be a fair and open question. The total amount, at present, is less than the aggregate of two years' gross revenue, and the charge for its interest is less than one-tenth of the total income,

which, compared with any state of Europe, cannot be considered as burthensome or inconvenient; and this latter charge is always susceptible of reduction as the Government acquires stability and the country increases in wealth and prosperity. The value of a debt, in attaching influential classes to the Government, is now fully recognised: and it is remarked with satisfaction, that the proportion of natives of India who are holders of the stock of recent loans, is much larger than it used to be; which shows that the moneyed men of India now fully appreciate the value of these securities as an investment for permanent and assured income; and this disposition it is very desirable further to encourage.

Any future surplus revenue may therefore be applied with much more advantage to works of local improvement, or to the alleviation of the most objectionable of existing imposts, than to the payment of debt: and the opinion of the Imperial Legislature may well be expressed in favour of such a preference.

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## CHAPTER V.

### SOCIAL AND MORAL CONDITION OF INDIA IN 1833 AND 1853.—LAND REVENUE ADMINISTRATION.

THE social and moral condition of India at the present time, as compared with 1833-34, is a wide subject, well deserving of investigation.

The Committee of the Lower House of Parliament has called for, and printed, detached state-

ments of the present administrative establishments in India, and of the work performed by them. The condition of the police of the territory directly administered by British officers, the number of ascertained crimes, the proportion of criminals apprehended and brought to punishment, are matters commonly reported to the Court of Directors in full detail, and the despatches of the Court remarking upon the results exhibited in these returns are readily accessible, and will, of course, be subjected to the examination of the committees. So likewise the administration of civil justice, the number of causes instituted, of decrees passed, and the proportion of these which have been confirmed or reversed upon appeal. Every matter of this description which is capable of being exhibited in tabulated returns, will be so submitted and published in the reports of these parliamentary committees. But they give a very imperfect and superficial view of the condition of the country governed and of its population. They tell nothing of the feelings of the people, of the effect of these judicial decisions upon their habits and institutions, of their contentment or otherwise with the system established and its administration, nor even of the fact whether the people governed are prosperous and happy, or the contrary. Of one thing, however, they are an undeniable evidence; and that is, of the completeness of the links in the administrative chain, of the state of discipline maintained, and of the checks by which the functionaries of each grade are kept in work; and likewise of the fact, that there are in



India not only no sinecure situations without duties to perform, but none without such duties as are reported, and pass periodically under the review of their superiors, and even of the highest authority.

Perhaps too much pains and time and labour are bestowed upon these universal returns. It is the boast of the India-House that, let information be asked upon the most minute or the most comprehensive subject, the means of furnishing what is required from the materials received, and on record, are always forthcoming, without waiting for a reference to the local authorities. The same thing cannot be said of any other dependency of the Crown of England, nor of the system of management adopted for its out-possession by any other nation of the world. When Marshal Soult paid his memorable visit to this country about fifteen years ago, and was taken to the East India-House as one of the remarkable objects of curiosity to a foreigner, his first request was to see the records, and after a sufficient examination to enable him to ascertain their completeness and the facilities they presented for prompt reference, he manifested his admiration by declaring not only that he had seen nothing of the kind in the archives of any other state—with most of which he was familiar,—but had not before conceived the possibility of creating anything so perfect.

Assuming, however, that the administrative links, and the check of returns and of record are as complete as it is possible to make them, we have in the petitions presented to Parliament from each Presi-



dency, and in the tone of most Native, and of many European publications, abundant indication that locally our administrative system has not given satisfaction. The revenue management, the police, and the administration of civil and criminal justice, are all declared to be manifestly—the opponents of the East-India Company say shamefully—defective ; and a few words will be necessary to show how far this imputation is well deserved, or the contrary.

The complaints against our revenue system have already been in part alluded to. But we do not find that the land revenue settlement of the North-Western Provinces, or Agra division of Bengal, which is the great revenue measure of the past twenty years, falls at all in the category of grievances. In that settlement, for the first time in the Bengal Presidency, the area subjected to revenue demand was scientifically surveyed and mapped village by village, and the revenue assessed upon the lot, after the subordinate rights and interests, and the share of each cultivator's contribution, had been thoroughly ascertained and recorded. The settlement has been made with one responsible head, answerable to Government for the revenue of each village, but bound to respect and maintain the rights of fellow-proprietors, and of all possessors of interests thus recorded. The leases were originally granted for twenty years, but with the sanction of the Home authorities they have been extended to thirty. The revenue demand may be enforced by sale of the tenure, that is to say, of the entire village, as so settled and assessed,

in extreme cases; but the power of the associated tenantry to interfere and prevent this, and the system of village and pergunna account, maintained to facilitate the tracing of the cause of default, are relied upon as securities against the necessity of resorting to the harsh process of sale for arrears: and hitherto, where this settlement exists, it has been the exceptional, while, in the permanently settled districts of Bengal, it is the ordinary and exclusive means of securing the punctual realization of the Government dues.

Great complaint is made against the Madras Ryot-war system, which places the Government in direct relation with each cultivating tenant, and leaves the amount of his annual payment subject to a native officer's loose estimate of the productiveness of his crops, and annual recommendations of remission. The system of Bombay, which is an attempt to combine the Ryot-war with the village settlement, is described as unsuccessful so far as it has yet gone. But a survey and an assessment now in progress in the southern districts of that Presidency, are described as of better hope. The fault hitherto has been that the surveyor has fixed in the first instance, the rights of claimants to the land, and its revenue capability likewise, which has left too much to this one class of officers, and has produced great irregularity and confusion.

In Bengal Proper the perpetual settlement of Lord Cornwallis has lost much of the prestige of wisdom which for half a century attached to it. In the past twenty years an attempt has been made

to survey and define the lands upon which it was laid, and to bring under assessment what then escaped. The attempt, however, has only been partially successful, and is described and often referred to, as one of the grievances to which the population has been subjected. Thus the Agra settlements stand out as the great and only successful instance of land revenue administration. Everywhere else our management of this department is described as either still a doubtful experiment, or an admitted failure. But although this settlement enjoys at present the reputation of being as nearly perfect as the circumstances under which it was made admitted, we must recollect that the permanent settlement of Lord Cornwallis was long held up as a measure of equally perfect wisdom, and the test of time and of experience may bring to light defects and failings which escape now the ingenuity even of prejudiced investigators.

The complaint against the Land Revenue System of India, made so confidently by the Manchester Association, viz.—that, so long as Government takes the present high rents for land, and does not leave a larger margin of profit to the cultivators or small proprietors, these cannot afford to grow cotton cheap,—is a complaint betraying ignorance of the first principles of political economy, and requiring no answer. The land revenue of India is a property like the incomes drawn by the landed gentry of England from their estates, and we did not expect from the Manchester School a protest against the East-India Company for not resigning or abandon-

ing that property in order to create a similar class in India where at present it is nonexistent.

Cotton has no superior claim to sugar and indigo and other products of the land, that it should be especially favoured by remissions of rent. If those other products are preferred for cultivation, it is because their market price affords a better hope of profit. They have not suffered equal depression in the markets of Europe. Manchester offers only *3d.* a pound, which is not a remunerating price for the cotton of India. China, at present, offers more, and therefore the bulk of the Indian production of this article, that is to say, the surplus not used for its home manufacture, is exported eastward, where it is not undersold by the rival produce of America. The cotton malcontents, however, dwell much on the want of roads and railways for the conveyance of Indian cotton from Berar and Central India, where it is principally grown, to the seaports of the coast. A trunk line of railway communication is certainly a desideratum not hitherto supplied, nor have roads been provided so fully as every well-wisher of India would desire. The want of them affects, however, not cotton alone, but every staple product of India; and were the communications of the country placed on the most efficient footing, we do not see how the benefit thence resulting would much affect the ratio in which the several staples of India are now produced, or give the desired preference to cotton over indigo, rice, and sugar.

But other parts of the Indian system of finance are represented as oppressive to the population, and



destructive to their social and moral improvement. The salt revenue, which trebles the cost of a necessary of life to the consumer, and the opium revenue, which is realized in Bengal by a monopoly of the production, and resale for exportation, and of which the cost is recovered many-fold from China by a contraband import of demoralizing influence both to seller and to consumer, have now, as heretofore, been made the subject of much declamatory invective. But these resources have already more than once been subjected to Parliamentary scrutiny, and have survived examination by hostile committees. We doubt not, therefore, that the committees now sitting will see no urgent necessity for interfering with either asset.

Our Indian Budget cannot hope to escape the fate of all schemes of taxation. There is no impost that a financier, howsoever ingenious, could devise, which might not be proved onerous, oppressive, and objectionable, when discussed *per se* and examined on its own merits. But before a tax is condemned and abandoned, its demerit must be established, relatively on one hand to the amount of revenue realized, and on the other to projects for raising the same amount by other means. On this ground at present we are content to let the expediency of retaining the salt and opium revenues rest. Four millions sterling are too much to be sacrificed to a principle of political economy, even were it clearly established that the system of levy was in both cases injurious and oppressive; but arguments are



not wanting in support of both, which, if it were a question what part of the taxation of India should preferably be first remitted, would entitle these to a low place in the list of her oppressive burthens.

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## CHAPTER VI.

### POLICE.

REVENUE systems, however, have not so much to do with the moral and social condition of a people, as the police and the administration of justice. With respect to police, it is alleged, that notwithstanding the minuteness of returns respecting crimes, apprehensions, and punishments, the system is faulty, and defective in the extreme; that the European magistrates are few and distant, and get no aid from a local gentry or from the population; while the police force consists of ill-paid functionaries (daroghas and thanadars), sprinkled over the country, each with ten or twenty armed retainers, who are generally strangers to the district, and who are available only for extortions, and make it their business to vex the wealthy and well-doing, until corrupted, and then to wink at their crimes and acts of oppression and violence.

There is no doubt that this complaint against our Indian police establishments is in a great measure just; but it is of old date, and has been repeated on each occasion of revision since 1793, when the system was established. In the past twenty years

various efforts have been made to improve the police force, and separate magistrates and joint and deputy magistrates, not of the covenanted service, have been appointed, in the hope that by thus associating in the work of superintendence, influential natives of India, and others, the working of this department might proceed more smoothly and more in accordance with the public feeling. The salaries of the daroghas, or head local police agents, have also been largely increased, in the hope by that means of securing their honesty; but all these measures would seem to be of doubtful benefit, for the population still loudly complain. The substitution for existing police establishments of a gendarmerie, with more or less of military organization, has been advocated by many as a remedy for the present inefficiency and corruption. This system was adopted for the preventive force organized for the suppression of murder by Thugs, in consequence of military men being principally employed on that duty. It has also been used locally for other purposes with good effect, more especially under the Bombay presidency; but the scheme, if made general, would, it is thought, increase the power of the police over the population without improving their local influence, while by separating the force from the magistrates, it would greatly lessen the authority of those officers. The provincial battalions of Bengal were a local police force of military organization, that added much to the magistrates' power as an adjunct to that entertained in the existing form. These battalions contributed to the suppression of dacoity or gang-rob-

bery by open violence, and were always available for the prompt prevention of serious affrays ; but they fell before the economical retrenchments and sweeping reforms of Lord William Bentinck, and have never since been revived. The provincial battalions, however, were never proposed as a substitute for the local police, whose omnipresence is the source of all information : and on that account some establishments similarly spread over the country, would seem to be indispensable. But the question how best to provide security to life and property from crime and fraud and violence, without subjecting the population to vexatious interference and oppression through the means adopted, remains still in India an open problem. The Governments there have found, that when crimes of great atrocity have been discovered to prevail, as the dacoities or gang-robberies of Bengal, and the murder of travellers by Thugs, in Central and Southern India, they can, by exertions beyond the law, and by creating a special agency for the purpose, free the country from such crying evils. They have always succeeded in suppressing the crime, but never without risk of injury and oppression to the innocent. A strengthening of the police force carries with it necessarily this risk, and therefore too great efficiency in this arm may not always be a benefit. The rogue of ordinary life too frequently at present escapes by corruption or by chicanery, and the wealthy and influential landowner, who hires ruffians for an affray, evades punishment by similar means ; and the impunity of these leaves the system of our Indian police under its

present stigma of imperfection and failure. We seek not to screen it from such imputations ; but, acknowledging the establishment to be both inefficient and corrupt, we yet maintain that districts, which possess such a police as the Company's government have given them, are better governed and afford to the population far better securities for life and property, than districts where there is nothing of the sort, and in which the population are left to take care of themselves. It is something to boast of, that a lone woman may travel by dâk from Calcutta to Peshawur, without guard or escort, and with as much security and confidence as upon any road of Europe. The books of old travels in the East represent a very different state of things.

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## CHAPTER VII.

### THE ADMINISTRATION OF JUSTICE.

BUT the branch of Indian administration most impugned, is that through which justice is dispensed to the population in the East-India Company's courts. It is alleged, that the system, being based upon that of England, has been so contrived as to encourage litigation, without affording ordinary assurance that truth will be elicited and right prevail—that the judgment-seat is filled by persons who have no professional education, and that the judges having to decide both fact and law, so mix them up in their judgments, as to deprive precedents of all



authority, and defy correction by appeal—that criminals escape with too much facility from an over-scrupulousness about testimony and about forms—and last, but not least, that the court officers, or Amla, have an influence both in bringing on or keeping back causes, and in advising and regulating the hearing of them, which they turn universally to corrupt purposes, so as to leave the administration of justice in the worst possible repute, and open to the most serious of imputations.

It is impossible to deny that all these complaints have much foundation in fact, and are supported by the general opinion of the native and European community in India; yet this very department of civil and criminal justice has been more vexed and troubled with calls for statements and returns and other evidences of the desire of the Home Authorities to watch over and improve it, than any other.

The judicial system of India had its origin in the “Plans for British India,” prepared by Dundas, on the first establishment of the Board of Control. The materials for it were furnished by Sir Elijah Impey, and the judicial part of Lord Cornwallis’s code of 1793 will be found to be little more than a transcript from the book published in England under the above title. During the governments of Lord Wellesley and Lord Minto, this judicial system was upheld as the department of administration that was not only to preserve order and settle satisfactorily all questions between man and man, but to complete what was omitted in the formation of



the perpetual settlement of the land revenue, and to adjust the relations of zemindars with their tenantry, and of both with the Government.

So long as the judicial establishments were thus looked upon as the organs of all improvement, and the sources from which the people were to derive such great prospective benefits, they were cultivated and cherished, and the best public servants were placed always in judicial situations, the refuse only being left to find employment in the revenue department, or in the establishments maintained to provide articles for commercial investments and remittance.

At this period, and during the government of Lord Minto especially, importance was attached to the necessity of giving to judges a judicial training, and the most promising junior servants being encouraged to make choice of this line of employment, were retained in it, and rose through its different grades by successive steps of well-defined increasing emolument and authority. But this system was abandoned between 1813 and 1833, and the principle was then avowed, and has since been received as orthodox, that no one can be a good judge who has not been trained as an officer of the land revenue, and made familiar with the arrangements for the settlement of relations between the Government and those who pay that revenue, which are the basis of the constitution and social system of the country. For more than five-and-twenty years this has been the rule acted upon in all the presidencies, and in consequence the revenue authorities have been elevated, as it were, above the judicial.

The first blow that was struck against the judicial system of Lord Cornwallis was by Sir Thomas Monro. In the evidence given by him to the Committees of Parliament which sat in 1812-13, he described the District Courts as instruments of mischief rather than of good, breeding a spirit of litigation wherever established, and demoralizing the people in other respects. He declared them to be, in their management, corrupt and highly unpopular, and fatal to all the existing institutions of the country; in short, quite unsuitable to the habits and feelings of the population. Sir Thomas Monro was a man of commanding influence, and his evidence was implicitly relied upon. He was, in consequence, sent out to Madras in 1815, with full powers as commissioner to reverse this system at that Presidency, and to transfer the powers of local and prompt adjudication in civil matters, and all magisterial authority, to revenue officers, upholding them as the organs for the settlement of questions of right and wrong, and as the authorities to whom the population were to look, primarily, for all benefits and for the redress of all grievances. The laws of the Madras Presidency were immediately made conformable to this change of principle and system; and Sir Thomas Monro, being afterwards appointed Governor of that Presidency, himself completed the work effectually, and reduced the courts to a secondary, and almost subordinate condition to the revenue authorities, filling them with servants of inferior ability and consideration. It was a part of this change to employ natives more largely in the judi-

cial as well as in the revenue establishments, and the inferior jurisdiction, exercised before by junior civil servants as registers, was transferred to Suddur Ameens and other native judges. A judicial decree still carried with it an authority which nothing but reversal upon appeal could shake, but the revenue officers settled the point of possession, and that was most considered by the people.

The same principle was introduced in Bengal in the early part of the government of Lord William Bentinck, whose aim it was to lower the judicial establishments, to reduce the number of covenanted servants employed in them, and to raise the functions of revenue officers, transferring to native judges all the inferior jurisdiction vested before in the zillah register, with much also of that exercised by zillah judges of the covenanted service.

This was the state of things when the revision of 1833 brought the subject under the consideration of Parliament. Then, as now, there were complaints of the insufficient provision made for the proper administration of justice in the territory directly managed by the Governments of the East-India Company. Under the conviction that these complaints were not ill-founded, Parliament devised the expedient of a Law Commission, and of a single legislative council for all India, with a legal member, purposely to remedy, by improved local legislation, the admitted defects of this department at all the presidencies. The Law Commission sat, and after five years of cabinet deliberation, produced a criminal

code. It has, however, given to India no law of procedure, civil or criminal ; and the judicial establishments have been left, in consequence, on the unsatisfactory footing, in this respect, on which they were placed by Lord William Bentinck ; with the difference, that the jurisdiction of native judges has been much further extended, and made to comprehend all original suits without limit of amount, and even suits between English residents and Europeans, and with the extraordinary limitation of appeals to questions of law, as if the judgment of these native judges upon facts was sure to be unerring. The higher judgment-seats are still filled by covenanted servants, but the training they heretofore had as judges in courts of inferior jurisdiction is discontinued, and the earlier service of all the covenanted functionaries is now confined to revenue and magisterial duties.

Such is the condition, judicially, of the provinces directly governed by the East-India Company, and one cannot wonder that complaints have reached Parliament against the administration of justice under such a system. It is, however, the quality of the decisions, acts, and proceedings of the courts that are now the subject of complaint. We cease to hear of the delay of justice, which heretofore was the *gravamen* of charge against the Company's courts, nor is anything said of the insufficiency of the establishments to perform the work required of them ; but the stamp-duties levied on the institution of suits, and on petitions, exhibits, and witnesses, are still a prominent grievance of the petition to Parliament from Bengal.



The complaint against the character of the justice administered in the Native Courts, has been answered by producing returns of the number of adjudicated cases, with the proportion of appeals, and of reversals upon appeal, as if through such returns the means were afforded of testing the quality of the decisions, and as if they proved that, if not satisfied with decisions thus ratified and confirmed on appeal, the population and those affected by them, ought to have been so. The fact, however, is incontrovertible, that neither the suitors nor the native population, and least of all the European residents in India, are satisfied with the present administration of justice, and this fact alone is sufficient to destroy the value of the returns as a test of anything else than of the quantity of work done.

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## CHAPTER VIII.

### NON-REGULATION PROVINCES.—LAW COMMISSION.— CIVIL SERVICE.

THE opinion entertained of the efficacy of courts constituted on the principles of the legislation of 1793, and the idea that through them everything left, in the first instance, undetermined, would sooner or later be satisfactorily settled by judicial decisions and precedents, was on the decline during the government of the Marquis of Hastings. Lord Wellesley, without any hesitation, subjected the



provinces he acquired by cession and conquest to the same code of laws that he found in force and admired in Bengal; but Lord Hastings, not equally satisfied with the working of that code, and having before him the example of the Delhi districts, which had thriven, though excluded from its operation, hesitated to extend what was called the Regulation System to his conquered territories. The districts won from Nepal and from the Mahrattas were accordingly administered executively under orders from the Government, communicated through a secretary, and not bearing the shape or formal character of laws. This scheme has been continued with all subsequent acquisitions, which are in consequence styled at the present day, "Non-Regulation Provinces." The establishments and forms of procedure are analogous in most respects to those prescribed by Regulation, or by Acts, for other districts, although thus enjoined executively; but it is an anomaly that law-making by the Legislative Council of India, should be confined to one half only of the territory directly belonging to the Crown of England, and in the East India Company's trust-management, while in the other half it should be dispensed with.

It is alleged that the Government of these Non-Regulation Provinces is better conducted, and gives more satisfaction to the population than in districts blessed or cursed with our code of laws; and it may well be so, because these territories are very generally placed under selected men, and in India, as elsewhere, the character of the functionary deter-

mines the quality of his administration, for good or for ill. To an intelligent, well-meaning, executive agent, placed in charge of new territory, laws would prove only restraints upon the power of doing good; they are required, however, to prevent those who follow from changing what is once established, without sufficient cause, to keep the ignorant or wilful from error, and to instruct those who would fail if left to their own resources. A separate code of instructions and rescripts grows up for these Non-Regulation Provinces in the course of their administration, and becomes the rule of conduct for the functionaries employed,—but it is imperfect; and the fact of these diversities of system bears evidence to the confusion and difficulties that prevail in the judicial administration of the country. The Law-Commission and Legislative Council, provided for India in 1833, have proved themselves hitherto quite incapable of dealing with these difficulties. The twenty years of their experimental legislation has left the work of codification, for the establishment of one simple and uniform course of procedure, worse than incomplete,—not even attempted. The advocates of the Law-Commission declare that they had not fair play; because the Legislative Council and the Government refused implicitly to follow their suggestions, which were shaped ordinarily on the extreme principles of Jeremy Bentham. But these lawyers were not sent out to be decemvirs to override the Government; the hope was, that they would assist the authorities in India in accom-

plishing a work avowedly desired by all. If they became the partizans of opinions opposed to those of the Government, or of any extreme opinions, that circumstance alone was sure to be fatal to the completion of the work, and an expedient liable to such an accident was of very doubtful wisdom.

Parliament and the public cannot hope that the Committees now sitting in the two Houses will be able to cope with questions in detail, which have hitherto baffled the wisdom of local Legislators. The Committees cannot be expected to suggest provisions for the improvement of the existing judicial code of India, and it never can be intended that such should be incorporated in the new Regulating Act for that country. Much of the confusion and imperfection we now witness, has its source in the vacillating policy that has been pursued by Parliament itself and by the Home Authorities on former occasions, and in the changes which have come over public opinion here in England, as to the fittest course to be taken upon several of these Indian questions. The moral to be drawn from which fact is, that it will be the wiser policy to extend the power of the local Legislature and of the local authorities, in the hope that through the wisdom or inspiration of some men on the spot, capable of watching effects, of tracing them to their causes, and of applying remedies suitable to the population and to the instruments by which they are to be wrought, a scheme of permanent improvement in these departments may

be struck out and engrafted upon the institutions and habits of the country. But if we are to look to this means of providing beneficial schemes of improvement for India, she must be furnished liberally with men of the class capable of devising such schemes, and of watching their execution ; and this is what the Legislature of England should make it its first aim and object to secure.

Now the Government of India is administered in all its highest branches by servants under covenant to give their whole time and talents to the East India Company, who are specially trained by a course of preliminary instruction, and who go out young, and rise by rotation to the higher situations. These are the civil servants, whose number, instead of increasing with the extent of territory and increased revenues, and with the increased call upon them for administrative talent, has remained for forty years nearly stationary in number, and with allowances diminished by a quarter of a million sterling in Bengal alone, as we have above shown. Either this system and method of providing public servants for India is a bad one, and ought to be discontinued, or manifest injustice has been done to India by stinting the supply of servants of this privileged and exclusive class, and compelling the transfer to others of the duties which it was the intention of the Legislature that they only should discharge, and which they are considered to be the best able to discharge.

The advantages of a special class of servants for the duties of civil administration may be summed



up briefly thus:—1st. By tests of examination before nomination to such a service, you secure a certain preliminary education and competency. 2nd. You may improve this by imparting what further instruction is deemed useful, either of a general or special nature. 3rd. Entering the service in the lower grades, and rising by rotation to the higher, the servants acquire official aptitude and a familiarity with the forms and processes of administration, which is of infinite use and benefit when they come to be legislators, or are placed in positions to depend on their own resources for the management of large interests or populous districts. 4th. The service is disciplined to yield obedience to superiors ; every one knows his place, and does not presume beyond it. On the other hand, there is, 5th, an independence of spirit bred by the certainty of rise, that insures the best suggestions being offered, and even remonstrances against unwise or hasty measures : so that the official correspondence of India, instead of being habitually subservient to the caprices or chance views of the Head of the Government for the time being, contains always the aggregate wisdom and experience of the whole body of functionaries. But the most important benefit of all is, 6th, that the Governor-General and Governors being bound to make their selection for office from these special servants, with whom they are, upon appointment to the country, for the first time brought into relation, have only the motive of benefit to the public service to guide them in the selection ; and in such a field as India, no one, un-



less so bound down, could be trusted with the exercise of so vast a patronage.

There is a further benefit of this system not to be forgotten, though there are those who will scarcely admit it to be one ; and that is, that in consequence of the governing functionaries being all born and bred in this United Kingdom, although bound by the tie of interest as well as by covenant to devote the best part of their lives to India, and being sure, if they live, of returning to their native country with a competency, when their term of service is completed, the Government is certain to be conducted in due subservience to England, and with efforts to prevent alienation on the part of the governed, at the same time that their happiness and advance in the same career of progress is promoted. Leave the Governor-General, or the local Governors, free to select administrators from adventurers in the country, or from influential persons of the population, and the cry for self-government and for independent action would soon become irresistible. Local parties would be formed who must be conciliated by admission to office, and the country from one end to the other would be rent by faction, so as to present difficulties in the administration quite insurmountable. And if the exclusive-service system were abandoned for civil government—how maintain it for officering an army of 300,000 men which has been raised in India, and of the fidelity of which, under the existing constitution of government for that country, we have now for one hundred years had such signal and continuous proof?

But the great complaint against the special civil service is, that the instances of splendid or unusual talent are rare, and quite insufficient for the wants of legislation, and for the occasions when resources of more than usual fertility and vigour are required. It is called a service of mediocrity, eclipsed often by the talents elicited in the larger service provided for the army, and likely to be eclipsed by the educated of India under the new system of instruction. The officers of the army are doubtless a body of 5,000 educated Englishmen; the working civil servants number, for all the presidencies, only 600, or at most 700. It would be very extraordinary if from the larger number a select few were not found of very superior qualification, whom it would be a grievous shame, and blot upon the constitution provided for India, to exclude from the employments for which they prove themselves to be so well fitted. Let those who attain distinction in this class stand, as they deserve to do, on equality with the distinguished civil servants in their claims for promotion even to the highest civil offices. The limited number of the special class requires such an infusion of talent from the sister service; and if this field were closed against the ambitious and aspiring of that service, whose united action is so essential to the prestige and permanence of our dominion in India, we might find in the jealousy and ill-will engendered, sources of a confusion which no authority, at home or abroad, could hope to control or prevent from bursting out. But the fact, that men of talent are found in this larger class, whom the Governments

are glad to add to the stinted number of specially educated and trained servants, is no reason for deciding against the system of thus choosing and educating the functionaries required for the ordinary duties of administration. A special education and training are required for the church, the law, and for other professions, learned and unlearned, and surely the career of a civil functionary, in a country differing in language, habits, and institutions, requires also the special training, which, if made a condition of employment, must make the body of servants exclusive.

Many ingenious propositions have been made for the improvement of the qualifications of civil servants, and to elevate their character as public functionaries. At the revision of 1833 it was enacted that the nominations to the preparatory college should be four for every civilian appointed to the service. It was hoped that by making the college examinations the test of comparative merit, and rejecting the less distinguished, all the servants sent out might be *emeriti*, that is, be selected for superior talent displayed in their college career. But to this plan the Court of Directors opposed insuperable objections, deeming it unreasonable and unfair to require three youths to submit to the course of special collegiate training, in order to be absolutely rejected, for one that might be chosen. The preliminary examination has been, in consequence, substituted as the test of merit, and as a means of excluding the less qualified. Can that system be improved? is the great question for consideration at

the present juncture. We doubt it, exceedingly. There is complaint that the preliminary examinations are at present too stringent. The complaint is evidence of a wholesome state, and shows that the examinations are useful in excluding the less qualified, which was the purpose for which they were devised; but if it be desired to make them more stringent, in order that the civil service may be yet more select, the body of examiners must be strengthened, to enable them to cope with the odium of multiplied rejections, and with the imputations of favouritism and partiality that would inevitably be cast upon them.

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## CHAPTER IX.

### THE FREE PRESS AND EDUCATION IN INDIA.

ONE argument against the present exclusive service is based upon what is called the increasing intelligence of the native and European communities in India; and this brings us to speak of the condition of the press, and of education there.

Before 1833 there were books printed and newspapers—even daily newspapers—issued in each of the presidency towns, but there was nothing that could be called a press, in the sense in which the term is used in Europe. No appeals were made to the native public through that medium; no original works were published in the native languages for purposes of agitation, that is, calculated and intended



to give a particular direction to the native mind, and to excite classes of the population to a particular course of action. But all this has grown up within the last twenty years, and has been rather encouraged than checked by the measures of the governing authorities. Of these measures the most prominent was the legislative Act of Lord Metcalfe, passed in 1835, for removing the censorship of the newspaper press. From that date every one has been permitted to publish and circulate what he pleased, in what language he pleased, subject only to the necessity of registering the name and residence of the responsible editor of each newspaper, and of exhibiting on every printed paper the name of the printer, with the locality of his press. Thus, responsibility to the law is now the only check upon publication in India, and that check is less feared and less seldom applied there than under the most liberal Government of Europe. There has, consequently, grown up in the eighteen years which have passed since 1835, not only a free, but a licentious press; and we have to deal now with the state of things resulting.

In like manner there have been great efforts made, as well by the Government as by different missionary societies, and by individuals, to promote the spread of education in India. Until 1833-34, the Government patronage was given,—sparingly indeed, but indiscriminately, to scholastic institutions and colleges, which gave instruction, either in English or according to the systems which prevailed in the country; that is to say, to Mahomedans through the medium of the Persian and Arabic lan-



guages; to Hindoos, in Sanscrit and the vernacular languages. In these latter institutions English was taught to those who desired it, in addition to their usual scholastic course. But very soon after the passing of the Act of 1833, the government of Lord W. Bentinck came to the resolution to withdraw prospectively from all support or encouragement to education in the native form, and discountenancing any cultivation of the literatures of the East, to confine the Government patronage and superintendence exclusively to seminaries which taught the science and literature of Europe through the medium of the English language. It was part of this project to convert existing native seminaries into schools and colleges on the new plan, by transferring to teachers of English the allowances enjoyed by moolavees and pundits, upon each successive vacancy, and to teach the multiplication table even in English, and not in the languages of the country.

Great alarm was felt at the announcement of this sudden change, and the native communities, Hindoo and Moosulman, were by no means satisfied when vernacular instruction was added to that of English, which was a concession made very soon after the original resolution had passed, in consequence of the strenuous opposition raised against it. The question, what was to become of the colleges heretofore founded, some of them many generations back, to give instruction in Arabic and Sanscrit? continued long to agitate the community. After some years of hot controversy, in which the members of the services took part as strenuous partisans on one side

or the other, the matter was compromised by Lord Auckland, he consenting to leave the professors of existing native seminaries in the enjoyment of the Government contributions heretofore assured to them, merely requiring these institutions to include English among the things taught. The difference was made up to the new English schools and colleges by a fresh pecuniary grant.

In all the seminaries supported by Government, out of respect for the prejudices and feelings of those whose children it is desired to educate, and to prevent their supposing the object of this effort to instruct to be, to win them from the faith of their fathers, and to make proselytes to Christianity, it is provided, that no minister of religion shall be employed as a teacher, nor the Scripture of any sect be used as a class-book. But missionary schools proceed on a different principle, and freely teach the Bible as a class-book. Such schools are numerous, and many of them are supported by liberal private contributions, which enable them to give instruction, either gratuitously, or at very cheap rates. They have accordingly prospered, and are the means of educating numbers of the population, daily on the increase. But the classes who have derived their instruction from these seminaries have been comparatively of low grade in native society, and of narrow circumstances, and no regard whatever is paid in them to caste.

For twenty years this system has been at work, and there have in consequence been turned out of the Government and private seminaries more than

one thousand youths annually at each presidency, who have had a course of instruction similar in all respects to that communicated in the schools and universities of England. The first-class scholars of the higher colleges, pass nearly as good an examination as the young men of Haileybury, Oxford, or Cambridge; but it is exclusively English literature and science that these young men acquire. The college prize-men are rarely Sanscrit and Arabic scholars, but make it their aim and pride in after-life to display proficiency in European science; and if they become authors, as vanity leads many of them to do, they write in English. There is, however, another class of students, who cultivate at the same time their own language and literature, and through whom European ideas are being fast inculcated, in the popular form of newspapers circulated in the languages of the country, and perused by as many of the population as can read or understand. At present this is a very small proportion of the whole, consisting of the educated few who reside in or near the presidency towns, or are sprinkled over the country as subordinate officials. The free press of India has hitherto had its influence for good or for ill only among these, and if its effects have not been pernicious, we must bear in mind that there has yet been no reading public.

The press, however, has been the channel through which many disappointed persons have attacked the Government and the system for yielding them no promotion equal to their assumed merit. It has been freely resorted to by persons who fancy

themselves aggrieved, to make known their injuries, and to appeal for sympathy or for redress. It has also been used by intriguers and designing men for the promotion of less worthy ends. Official persons and even members of the Government have frequently been attacked by the press, sometimes acrimoniously and very often unjustly, but they have never been advised to seek redress from the courts of law. Some of these are loud in complaint of the freedom and licentious spirit of which they are the victims; some have truckled to it and have courted the favour of those who edit newspapers or write for the press; and others have sought to influence the press by writing themselves, or by becoming proprietors of newspapers; but this, when known to the Government, has been censured, and the practice of answering in person accusations made by the press has more than once been reprobated. But there is no consistent action on the part of the Governments of India or of their functionaries, either against the press or to use it as a means of influencing public opinion favourably. The engine has not yet become sufficiently efficacious for good or evil, nor sufficiently formidable to need so much attention from the governing authorities; but it is watched and will daily require to be more so, as the reading classes increase through the spread of education, which the Governments at home and abroad are endeavouring by all means to promote.

It is a proud thing to contemplate as of possible accomplishment in the course of ages, if our dominion in India should so long last, that the science



and modes of thinking, and perhaps even the language and literature of England, will ultimately be soengrafted by education into the habits of the people as to supersede the varied and imperfect methods of acquiring and imparting knowledge which have so long prevailed. There are sanguine men who expect to bring about this great result, in the course of a few generations, and who deem the Government lax and neglectful for not making greater exertions and greater sacrifices than they have done to promote this glorious end. But it is a matter in which success may be compromised by attempting too much ;—and it may not be the part of wisdom to flood the country indiscriminately with the overflowings of European intelligence, in the idea that out of the deluge an improved condition must of necessity arise. It has, indeed, often struck dispassionate observers as passing strange that the Governments of India, with full knowledge of the power of a free press over a reading public, and having in their own hands the creation of that reading public, should seek no means of giving an impulse to the intelligence it is communicating favourable to the cause of order ; in other words, favourable to themselves, and to the system they administer. The aim hitherto has been confined too much to imparting the power of reading and of understanding what is read, as if knowledge of all kinds, obtained from books of all descriptions, must equally and of necessity lead to good ; and the spirit of inquiry when once set in action could only confirm the student's mind in sentiments of wisdom, virtue, and



contentment. But does man need no help in this pursuit of knowledge, no guidance in the right path to political as well as to religious wisdom? Is there no risk that imperfect knowledge may breed envy, and lead to agitation, and even to disaffection and to crime, through false or mistaken views derived from this ill-regulated instruction? The justification of Brutus and Cassius for the assassination of Cæsar, the vindication of Washington and the North American Colonists for rising against the British Crown, are favourite theses for declamation in the colleges of Calcutta, and notions of the right of every population to self-government, and of the virtue of agitation to obtain power, are fast gaining ground among the vain and presumptuous *élèves* of the Government colleges. They never think of inquiring into the circumstances which give fitness to exercise power, and dispose the governed to yield obedience, nor respecting the sources whence authority of every kind is derived, and the means and instruments by which it is maintained. They are fast ceasing, in consequence, to appreciate the blessings of peace and of order, which it has not been their fortune to see locally disturbed, and to regard these, as every one who has lived in troubled times learns to do, as the end and aim and the real test of all government. That men are capable of being trained up in principles of obedience and discipline, while they reach the very highest ranks in literature and science, is proved by what is done in seminaries maintained for religious purposes, and directed by Jesuits and others. Although we want

not to instil principles of Romish subserviency of mind in the people of India, it ought surely to be our aim, to save the young, enterprising, and aspiring from receiving hasty and erroneous impressions, the result of an imperfect understanding of the requirements of their country, and of their own position. Why should the seeds of disaffection and disloyalty be sown by our own hand, in a soil well prepared to receive lessons of order, and impressions favourable to the permanence of British rule? This is a subject to which the attention of the governing authorities of India will require to be especially directed in the coming twenty years, but we do not see how it could be touched with benefit by the Imperial Legislature.

It is undoubtedly a new status to be taken into account, as an element in future arrangements, that we are fast creating in India both a free press and a reading public; but we look upon this only as a motive for extending the powers of those who will have locally to deal with these rising sources of good or evil, and it is a reason conclusive for being careful hereafter to select always for the highest stations in India, men capable of exercising and worthy to be entrusted with such powers. The influence for evil or for good, that attaches in India to the personal character of a Governor-General or Governor, can only be imperfectly understood by the people of England, and even by her statesmen and public men. The subject merits a separate essay, and might be illustrated with great effect by reference to the past. But the future opens a

field in which more than ever will, not only the course of political events, but the character and sentiments of the population, take their direction from the impulse given by the all-powerful head of the State. Every Governor or Governor-General, carries with him to India the prestige of British power, and of the wishes and sentiments of the entire British nation, towards their fellow-subjects in the country he is sent to rule. Large as the power of the Governor-General is, and has been, no one advocates its diminution. Provide him with constitutional advisers of the highest order; increase his motives for doing well; and impose the obligation of consulting and deliberating on all matters; but place on him no restraints of reference to England for previous sanction. The power of action, and even of legislation, must be complete locally in India, subject only to the checks of perfect universal record, as at present, and of after-review and after-criticism with their responsibilities. A great measure of any kind, if made to depend on the result of a previous reference to England for sanction, would be sure to miscarry, from the indecision of those to whose judgment it would have to be submitted. A distant and divided authority could never be made equally to feel the necessity of prompt action; but, from sheer timidity, would pare down the measure, and cramp it with checks and conditions destructive to its efficacy, if even the end were not absolute prohibition to incur risk.

But if in the increasing enlightenment of India we see reason only for enlarging the discretionary

powers of the local Governments, and for endeavouring to fill them with first-class statesmen, so also do we see, not only no reason for abandoning the system of providing exclusive civil and military services for the executive duties of administration, but a motive for enlarging, strengthening, and improving to the utmost the services now in existence. How strengthen, how improve? is the question. An addition to their number is easy and necessary, and out of that very addition must arise a greater variety, and a higher range of talent for the most prominent situations. But this is not enough. Assuming the present examinations to exclude men absolutely incompetent and uneducated, how are they to be improved after admission to the service? Does the education now given produce a fair proportion of men of average, and of superior talent, or have we nothing but barren, hopeless mediocrity?

The servants in India may be ranged under three heads: first, men of energy and of action, who are ordinarily those who in early youth attain no collegiate distinctions, but whose character has been developed afterwards, and brought out by the circumstances in which they are placed; secondly, men of real talent, of resources, devices, and expedients, who have views upon every subject, more or less enlarged, more or less liberal. These men are necessarily few in number, and are sure to force themselves early into prominent positions. If to such talents the energy of action be united, as was the case eminently with Sir Thomas Munro, there is no distinction to which the holders may not aspire.



The valuable servants are those known for qualities of this first or second kind; but there is a third class, and a very numerous one it is in India, who have no original views or conceptions, but readily pick up, and acquire, and bring into use the ideas of others, and adopt always the principles most in vogue. Very many of the most distinguished men in college never rise out of this class; and it is doubtful whether the severest college tests would ever ensure more than the mediocrity of such capability and such attainments. A Clive or a Napoleon Bonaparte might fail to pass them and be lost to the service. It behoves us, therefore, to be especially careful not to base the selection for Indian service too exclusively on book-learning. Necessary, as we admit it to be, that every civil servant sent to India should be well versed in the literature and science of the day, and not ashamed to meet the *élèves* of Indian seminaries, who are instructed in the same course of education with themselves, this is not all that is required to command their respect. There must be an acknowledgment of superior general intelligence in the members of the civil service, but there must also be a recognition of qualities in which the natives of India know themselves to be deficient.

It does not, however, appear, that under any circumstances this matter could be fully regulated by any specific acts or provisions of the imperial legislature. Anxious as every one in England must be, that those selected to represent their country, and to fulfil her function of sovereign ruler over the vast



dominion acquired in the East, shall always prove themselves worthy of her name and glory ; we know of no legislative device by which this object could be secured, any more than higher qualities and superior wisdom in other classes of her statesmen, warriors, and legislators. It were idle to attempt providing for such things by law. The qualifications for historical deeds must depend on the motives of action, and on the circumstances into which men are thrown during their career, rather than upon the early training and instruction, that can be secured to them by examinations, or imparted by a course of collegiate education. If Englishmen at home were to degenerate and cease to maintain their credit for superiority of intelligence, and for high-minded, disinterested, and earnest action for the public good, in vain should we hope to maintain the prestige of the greatness of England in the East. Providence has given our country a high destiny there, let us hope that she will be enabled to accomplish it worthily.

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## CHAPTER X.

### PUBLIC WORKS.

IN connection with the social and moral improvement of India lies the question of public works, roads, bridges, jails, canals, railroads, postal communications, telegraphs, harbours, lighthouses, establishments for pilotage, or otherwise for the benefit of commerce

and navigation. All these matters are well deserving of attention from the Committees of Parliament now sitting. It is right that the East-India Company and the Governments of India should be called upon to show what has been done there under each of these heads. If neglect or short-coming be proved, let the blame be cast where it is due; but whether these things have been sufficiently cared for, or have been neglected, we do not suppose it to be intended to found upon the result of the inquiry any specific measures of imperial legislation. We are well aware that there is a class of public men and of writers for the periodical press who dwell continually on the short-comings of the Indian Governments in the provision they have made for all these objects. Some even go the length of arguing the entire failure of the trust-management of India in the present hands, because more has not been done in this way than the returns submitted to Parliament exhibit. But the financial statements we have cited above show, that the resources of the country were for the whole period of this trust-management strained to the utmost to maintain and improve our political condition. Surely precedence was rightly given to that object over outlays upon works of improvement, howsoever urgent. The members of the Peace Society exclaim, that several of the wars entered into were unnecessary, and that the sums spent in them might more advantageously have been applied to these works of improvement: and of this there can be no doubt whatsoever. But these objectors did not take this line while the policy of the wars

was before Parliament, and when their vote or their remonstrance might have been effective to stop the expenditure. The Legislature has now to deal with the fact, that the money was expended upon wars, and not upon works of improvement, and the public must bear in mind, that the responsibility for the wars is one thing, and the responsibility for not executing the works by preference, quite another.

Since 1833, allowing for the reductions made through the sale of commercial assets, there have been upwards of sixteen millions added to the public debt of India, and in the same interval there have been spent on works of improvement only about five millions. This expenditure seems, under the circumstances, to be even liberal. When the capitalists of India or of England shall combine to project and execute railways and other works of profit, in the manner witnessed in Europe, then only will India cease to bear the reproaches now heaped upon her for the little done. The Government is at present expected, and called upon to do every thing, because the population originates nothing, and yet there are persons who claim for that population the right of self-government on the ground of its intelligence.

We have thus referred briefly to the several subjects of inquiry, by which the condition of India is to be judged. Let the result be satisfactory or the contrary, no action of the Imperial Legislature can be applied to remedy or correct what may be found faulty in that condition. Its efforts must be confined to providing a machinery of government capable of doing what is required in India, and that

brings us to the all-important questions: "Is the present machinery of government sufficient? What defects and imperfections have the experience of the past twenty years brought to light? Of what improvements is the existing constitution of government at home and abroad susceptible?"

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## CHAPTER XI.

### HOME GOVERNMENT.

THE Home Government consists of a minister for India, called a President of the Board of Control, with two Secretaries, changeable with each change of Government. This minister originates the despatches to India, in the secret department, bearing on questions of peace or war, but is compelled to use the agency of a secret committee of three Directors for their transmission to India. Upon all other subjects the Crown Minister revises, and may arrest or modify the orders sent out. But the first review, the initiative of those orders, is taken by a Council or Court of twenty-four East-India Directors, elected by about 2,300 holders of £1,000 of East-India Stock. Each Director serves for four years, and then for one year is excluded. This is the machinery provided by the Legislature for the Home Government of India. It is objected to it, first, that the double government, and separate consideration of all matters by the Court of Directors and the Board of Control, is fatal to prompt action



or consistent energetic supervision. For the remedy of this it has been proposed to unite the Court and Board, and to constitute the Minister for India President of a Council of independent, irremovable members, so chosen as to preserve all the advantages of the existing Court, without its anomalies and defects. Secondly, it is objected that the existing method of electing East-India Directors is quite incongruous and unsuitable; the proprietors of East-India Stock having no longer any real interest in India, nor more connection with that country than the holders of any other national stock, more especially since their property has been collaterally secured by the guarantee fund invested in the Consolidated Fund; that, owing to the difficulties and expense of the canvass, and the relations arising from the mere pecuniary qualification to elect, there is no assurance of the fittest men being chosen to be Directors, but rather the contrary, the fittest men being deterred by these very difficulties from offering themselves as candidates. To meet this objection and maintain the character of independence enjoyed by the Court as now elected, we have heard but of two propositions: one is, to give the nomination of Directors, as vacancies occur, to the Crown, but to require selection to be made of the whole or of a proportion of these Directors from servants who have returned from India, after filling certain situations of high distinction. The other proposition is to allow the Directors to fill a certain proportion or the whole of the vacancies in their own body by the nomination of servants of

this class ; so saving them the expense and labour and delays of the canvass, and of the contests incident to the present method of election.

The first point to be determined in considering these objections and the remedies proposed for them is, whether the double government, and separate consideration of all questions by two authorities, is a wise arrangement, proper to be maintained, or the contrary. Undoubtedly, the divided authority is fatal to prompt executive action. But is that wanted? Is that the purpose principally in view in the formation of a home government for India? Assuredly not so. The prompt executive action must be local—must be vested in the Indian Governments, subject to review and to responsibility. The Home Government must exercise over the Indian executive the same kind of control that Parliament exercises over the Imperial executive. Deliberation and free discussion by more than one authority is the constitutional method in which that control is exercised; and there seems no reason why this constitutional principle should be excluded from the review of the proceedings and acts of the Indian Governments. The calls for prompt action are rare and occasional, if the double government system provides a means for meeting these calls, and for so satisfying the occasions, that is all that is wanted: and the President of the Board of Control has authority for this, which he uses through the secret committee. The deliberate examination and review of what has been administratively done abroad, which is the ordinary and more im-

portant function of a Court of Directors or Home Council for India, must rather gain than lose by the duplicate and separate consideration given to every subject by two authorities, emulating each other in the desire to prove their vigilance and capacity.

It is admitted on all sides, that a separate independent council for Indian affairs is indispensable. To obviate the alleged inconvenience of the double government, it is proposed that the Crown minister, or president of the Board of Control, shall preside in that council, and act with it for the sake of greater efficiency. On the same principle, the Lords and Commons ought to sit and deliberate in one assembly, while the Crown fulfilled the function of Speaker, or president of the joint senate. But no one in the present day advocates such a change in the British constitution. So neither, considering the nature of the principal functions to be performed, can it be looked upon as an improvement to give the Crown minister his seat in the Court of Directors, where he would use his influence to sway their deliberations to his preconceived views, and to allow as little room as possible for the recorded expression of differing sentiments. There is wanted a power of prompt action somewhere, subject to responsibility, and such a power must of necessity be vested in the minister of the Crown; for it is the royal prerogative to decide upon questions of peace or war, and to conduct diplomatic correspondence and negotiations leading thereto; and it is for these that prompt action is needed. The President of the

Board of Control is the royal minister, constitutionally vested with this function ; and under the existing system he uses it freely, without check, or hindrance. But as India is in the trust-management of an authority which has a name abroad, and constitutional forms for the exercise of its powers in India, a method has been devised for transmitting the orders of the Crown minister, which upholds the *prestige* of that name, and of that authority. The orders pass through a secret committee of the Court of Directors, who have no power of deliberating upon them, or of delaying the transmission. An ill-judging minister of the Crown may do, and it is said in the Afghan war did do, infinite mischief in the exercise of this over-riding authority. By compelling him to advise with a council of experienced Indian officers, the risk of hasty ill-considered orders would be diminished ; and it has been proposed to give to the secret committee of the Court of Directors a power of remonstrance, which, at present, they do not consider themselves warranted in claiming. It is also argued that the Crown minister, being the sole judge of what falls within his proper function, as the arbiter of peace and war, may, unless checked by such remonstrance, so use his powers as to supersede, altogether, or at least for any effectual good, the authority of the deliberative council, to which is intrusted the function of general supervision and control. There is no doubt that matters have occasionally been placed in the secret department without sufficient cause, and have been kept there longer than was



necessary or consistent with the legitimate authority of the Court of Directors. No good reason appears why the Secret Committee should not in all such cases have the power of representation and remonstrance, and it might, we think, be claimed by them under the existing constitution of the Home Government. But the committee must not delay the transmission of orders and despatches sent by the Crown Minister for that purpose. Whosoever is responsible for prompt action when it is required, must be absolute in his power of enforcing and carrying through the measures he deems necessary.

Again, the permanence of the Secret Committee at times when there are no wars and no fears of war, is declared by some to be an evil, because leading to the separation of certain parts of the correspondence and proceedings of the Indian Government from the same wholesome course of supervision and control, that is provided for the purpose of securing uniformity and preventing errors and irregularities in the general proceedings of the Indian Governments. If this be deemed a valid objection, it might be obviated in some degree by requiring a separate warrant or certificate in each case, to authorise the withholding of correspondence upon any given subject from the Court of Directors. It must be recollected that the secrecy of records originates ordinarily with the Governments abroad, and not with the Home authorities; and their error in so treating what might not need secrecy, or their intentional withholding from the Court at large of what ought to come before that

authority, may require correction. The requisition of a special warrant to continue the secrecy would ensure always a deliberate consideration and decision whether the case was such as to require it.

Thus, upon the question of the double Home Government, the arguments appear to be conclusive for retaining some separate authority, either a Court of Directors, or a Royal Home Council of India, for purposes of ordinary supervision and review, and for having this duty performed subject to concurrence by another superior authority; and, also, for leaving with the Minister of the Crown, either as at present, or with some modifications, the power of prompt action in case of necessity. Shall the name of the East-India Company be retained for this Court or Council? or shall the authority of the Crown be at once asserted, and the entire government of India, at home and abroad, be conducted in the sovereign's name? Undoubtedly, there would be advantage in conferring vice-regal powers, and the direct representation of the Crown on the Indian Governments. They are brought up now at every step by lawyers technically objecting that these Governments, though of Parliamentary creation, represent only a private company, and have none of the rights and prerogatives which attach to every colonial governor appointed directly by the Crown. All such technical objections it is desirable to terminate for ever on this occasion. But the name of the East-India Company carries with it a prestige in the East, that it would be unwise hastily and unne-

cessarily to dispense with or destroy. The coin of India now bears the effigy and name of the sovereign on the obverse; but, on the reverse, in smaller characters, and with less pretension, stands that of the East-India Company, inscribed round the denomination of the coin in the English and native languages. Let both authorities continue in India in the same relation, and it will be a source of strength and credit. It will suffice that the Act to be now passed should declare, specifically, that the local Governments are thoroughly national, parliamentary, and royal—conducting the affairs of their Governments under forms, and subject to constitutional checks arranged by the Legislature for the general benefit of the two countries.

But if there is to be an independent Court of Directors, or British Council of India, separately deliberating in some such relation as at present exists between the present Court of Directors and the Crown Minister, how shall it be constituted? How appointed? It is declared to be an anomaly that the power of election should continue in a body of stockholders, who have none but a purchased interest in India and its affairs, and no motive therefore to encourage the proper class of persons to seek the situation of Director, or to give their votes to the best candidate in the field. The election, as at present conducted, operates, it is said, to exclude good men, presenting difficulties in the canvass, and obstacles of expense and delay, that prevent their offering themselves for selection. It needs a special connection with some

class or body of proprietors to induce any one to come forward at all as a candidate, and he must then wait a rotation-chance of years' duration before he can venture to proceed to the poll. The elections are said to be managed, as by the caucuses which regulate the election of a president of the United States of America, each of the leading parties into which the proprietary body is divided determining among themselves which candidate to bring forward, and the rest uniting with one or other of those who carry out the contest, in expectation to be similarly taken up in turn. All these are evils incident to this particular mode of election, and to the character of the constituent body.

There is no doubt that these are objections of great weight; and it must be admitted *in limine*, that the object on the present occasion being to provide the best form of home council for India that the circumstances of the case will permit, the existing body of proprietors have no abstract or vested right to exercise the function of electing that body. If a less objectionable mode of nomination could be devised they would have no ground for complaining of the deprivation or for claiming pecuniary compensation; their rights and interests in that respect having been fully provided for by the arrangements made to secure the full payment of their capital. One benefit has, however, resulted from the present form of election which is generally acknowledged, and is of first-rate value, and that is, that the politics of the day, and party or parliamentary influences and interests, have no place



whatever in this constituency. The choice is not always guided by considerations of personal fitness or qualification : priority of application, importunity of solicitation, hopes of patronage, banking, or other similar connection, mutual concession, and jobbing arrangements,—by all these the promise of votes is obtained, and an election carried. But no one asks whether the candidate is Radical or Conservative, Whig or Tory, Free-Trader or Protectionist. No minister of the day can give an effectual recommendation in favour of a candidate to whom he is under obligation for political service or parliamentary support, and it is of the utmost importance that this exclusion of party and of political feelings should if possible continue. If no method can be devised for securing that exclusion, except by vesting the elective franchise in a body of stockholders, anomalous as such a constituency appears, abstractedly considered, let it, we say, be continued for the sake of that especial benefit.

But is the attempt desperate to exclude political party from the nomination of members of the required court or council, without compelling fit candidates to pass the ordeal of a canvass, and of election by such a constituency? The Crown, it is said, nominates judges from the bar, with reference primarily to qualification for the bench, and with a secondary preference only for party connexion. Might not the Crown be trusted to choose similarly from those who have served in India, the best qualified for this court or council, and if not the whole, at least a certain portion of the members?

Another proposition is under consideration, and that is, that the Court as at present existing, or as it may be constituted by the proposed Act of this session, should have the power of selecting a certain proportion of its own members without canvass, under the condition of choosing from retired servants of a defined rank, and reported to be *emeriti* for services rendered in India.

These are questions that are now occupying much of the public attention, and of which the solution is expected from the Government measure promised after Easter.

With respect to selection by the Crown, it is not desired that the whole body of the Court or Council, should be of the class of retired Indian servants. Every one admits that there must be an infusion of English principle, and of lay members. If the whole body of the Court, therefore, were nominated by the Crown, these lay members would of necessity be chosen for party or Parliamentary connexion. Once nominated, they might be irremovable for a term of years, which, in the alternation of party supremacy, might produce its proportion of each class. But this would leave the evil unremedied, for the element of party strife would be introduced, which it is so essential to exclude,—and even with respect to retired Indian servants, if, of two men with equal claims, one being a member of Parliament, habitually supported the Ministry of the day, he would assuredly be preferred for selection. Even in the distribution of honorary distinctions, upon the occasion of

the creation of a civil grade of the Order of the Bath, this influence prevailed; and circumstanced as a Minister of the Crown is, under the British system of Parliamentary Government, it is impossible that the desire by preference to favour those who act or think with him, should not prevail. A Whig Minister would nominate only Whigs or Radicals, and a Conservative men of opposite opinions. It appears, therefore, impossible to admit nomination by the Crown, that is, of course by the Minister of the day, without reconciling ourselves to such a change of the existing body as must give it a party character, and introduce party strife into its deliberations.

But the same objection does not hold to allowing the Court or Council to select a portion of their associates. If political feelings have no sway in that Council, they would have no influence on such a selection. This method, therefore, of supplying each alternate, or every third vacancy, requires to be considered on other grounds. The first objection that occurs to it is, that if the nomination of Directors at every alternate, or at any other rotation vacancy, were allowed to the Court itself from a particular class of eligible persons, the rule would of necessity operate to limit the proportion of members in the whole body from that class; for none of those eligible for such selection would seek other means of obtaining the seat than were thus constitutionally allowed to them; and if they were to offer themselves as candidates, it would not unnaturally be objected to them, that they were interfering

with the proportion of members reserved for other classes. Another objection is, that the special class so nominated would stand in the court or council isolated from the general body, and the whole would not act together with the same cordiality and good will, as when all entered by the same gate, and after passing the same ordeal. This feeling might have very prejudicial influence on the vote for the selection of eligible members upon each vacancy, and yet more so in the election to fill the chairs, from which, while in the minority, they might be wrongly excluded, and when commanding the majority they might monopolise the office. Possibly, however, this anticipation of the division of the Court into castes under such a system may be imaginary. It is certainly not witnessed in the present Court, although that body contains its proportion of men of the Indian services and of others from the general community, who work well together without jealousy or prejudice of any kind.

It is not our purpose to discuss at length the forms established between the Court of Directors and the Board of Control for conducting public business. It would seem that the two authorities were perpetually in paper war, until the device was hit upon of a previous consultation between the Chairs and the President of the Board. The tenor of each despatch to India is settled now between the Chiefs before the draft is submitted to any Committee at the India House or to the Court at large, and it is then laid before them as a thing arranged between the two authorities, and not to be



altered or set aside except for strong reason shown. This process abridges considerably the trouble and the influence of individual directors, not in the chairs, in the initiative decision of questions; and its discontinuance would not be unacceptable to many in the Court, but it has its convenience, and the matter is not one for settlement by legislation. The whole arrangement may be changed at any time by the resolution of either of the parties who consented to adopt it. What Parliament has to consider is, whether reason sufficient has been shown for altering the constitution of the two bodies, who have hitherto exercised in concert the functions of review and supervision over Indian affairs, and to whose hands the appointment and removal of the governors and members of Council have been heretofore confided. If there be shown good ground of dissatisfaction with the past exercise of these functions, the question would seem to resolve itself into an inquiry at whose door the errors and short-comings are to be placed; and let that authority be strengthened, or the contrary, which shall be deemed most or least liable to fall into such errors. The East-India Company have challenged this inquiry; but that is not the spirit of the agitation which has been set in motion against them, and there is every prospect of this specific inquiry being evaded.

The Home Government branch of the great subject in hand has been the first entered upon by the Committees of both Houses of Parliament. The relative functions of the Court of Directors and of the

Board of Commissioners for the Affairs of India have been thoroughly examined into and ascertained in all their details, and both Committees have declared a qualified opinion in favour of the system of double review, established under the present scheme of trust-management. Upon this point, therefore, Parliament may be considered to be in a condition to legislate; notwithstanding that the inquiry has not been carried through the departments of Indian administration, which, if thoroughly examined, will occupy the Committees for several further sessions. Under the supposition that the Court and Board are to be continued essentially as they are, the point upon which there will be the most serious issue joined in the debates in both Houses of Parliament, is, whether it is right to continue in each authority the right of recall, to be exercised separately, or to provide in lieu, that a recall, like an appointment, shall be the joint act of both authorities—in other words, of the Queen's government only. The evidence taken by the two Parliamentary Committees is decidedly in favour of the necessity of allowing the Court to retain this power; and considering the subordinate relation in which the Court stands to the Minister of the Crown, and the prompt remedy afforded to the latter through Parliament in case of abuse, it is difficult to imagine the likelihood of such a power being ever abused in the hands of a body constituted like the Court of Directors.

## CHAPTER XII.

## INDIAN GOVERNMENTS.

LET us now consider how the question stands respecting the machinery of government and of legislation provided locally for India, and how far Parliament is prepared to legislate for this branch of the subject also; and to decide what modifications are required.

The Government of India, as established by the Act of 1833, consists of one Governor-General, with a Council of four ordinary members, who have the sole power of making laws for any part of India. To these the Commander-in-Chief may be added, by appointment of the Court of Directors, and he then becomes the second in rank in the Council. The fourth ordinary member is a professional lawyer, appointed from England, who only sits and votes when questions of legislation are under consideration. The other three must each have served in some one of the Indian services for twelve years. In practice, one member has usually been a military servant, the other two Bengal civilians. The executive council for India consists of the same members, less the fourth or legislative counsellor.

The material change effected by the Act of 1833, was the relief of this legislative and executive council from any share in the local government of the Bengal Presidency. This authority was vested personally in the Governor-General, subject to the

same control by the Government of India, as was vested in that Government over the other Presidency Governments of Madras, Bombay, and Agra. Bombay and Madras were deprived of their separate legislative functions, and their executive authority was curtailed by the necessity of referring proceedings to the Government of India for approval, and by a distinct prohibition to create a new office, or grant a salary, pension, or emolument of any kind without its special sanction.

To the Council of India was added a subordinate committee to assist in suggesting and framing laws. It was denominated the Law Commission, and was intended to be composed of civil servants from each presidency, assisted by a professional lawyer appointed from England. The special duty of this Law Commission is thus defined in the Act of 1833 : "To inquire into the jurisdiction, powers, and rules of the existing courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are subject,"—and to report the result of their inquiries, and to "suggest such alterations as may in their opinion be beneficially made in the said courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes," &c. This committee has ceased to exist since 1845.



The services—civil, military, marine, and ecclesiastical—were left untouched by the Act of 1833. The superintendence of them is in theory vested in the Presidency Governments, but in Bengal they were retained under the Government of India, owing to the difficulty of making a formal separation for the Agra Presidency, and everything connected with the army of Bengal has been similarly retained by the Supreme Government. In consequence of these and other practical difficulties, the provision of the Act of 1833, for constituting Agra a separate Presidency, was very soon suspended, and power given to the Government of India to appoint a Lieutenant-Governor for that Presidency from among the servants of more than ten years standing. In the first instance, the Court of Directors ordered that one of the members of the Council of India should take this office, and Mr. Alexander Ross and Mr. T. C. Robertson were so appointed; but, when Lord Ellenborough was Governor-General, the selection was made by him from the general body of civil servants, and first Sir George Clerk, and after him the present Lieutenant-Governor, Mr. Thomason, were appointed successively to that situation.

The Act of 1833 gave the Governor-General in Council a power of nominating a Deputy-Governor of Bengal, but required this Deputy to be always one of the Council of India. When the Governor-General leaves the seat of Government, the nomination of such a Deputy-Governor is obligatory, and it is in the Governor-General's discretion to appoint

a Deputy when he is present, but there is this important distinction between the Deputy-Governor of Bengal and the Lieutenant-Governor of Agra, that the former must be of the Council and does not vacate his seat by accepting the situation. The Lieutenant-Governor need not be chosen from this body, and if he be so his place in the Council is filled up.

When the Governor-General is separate from his Council, the powers he exercises as Governor-General are required to be defined by a legislative Act of the Council of India; and it has been usual to assign to him the entire powers of the executive Government of India, with exception to such as by a resolution of the Government, recorded before his departure, are specifically reserved to the President in Council. The form has been ingeniously devised to prevent disputes from the collision of the two supreme authorities. It only remains to notice that councils have been continued to the Governors of Madras and Bombay, the number being reduced to two civil members, with the Commander-in-Chief, when specifically appointed. A discretion was given to the Court of Directors, by the Act of 1833, to determine as to the continuance of councils, and the number of members of which they should consist. Separate Councils might have been assigned to Bengal and Agra, but were not, and such adjuncts would scarcely be consistent with their present subordinate position.

Such is the machinery provided by the Act of 1833, with the amendments and modifications made

in the course of the twenty years now closing, for the local government of India, and of the presidencies into which it has been divided. Objections have been raised to several parts of the scheme. In the first place, the Government of India, which is both executive and legislative, and contains in the Council the best-qualified men to advise executively, is debarred, from all interference with the local administration, even at the seat of government. The Governor-General, on the other hand, who arrives a stranger to administrative duties, has the entire local administration thrust upon him, without any constitutional advisers to assist him. He consults only whom he pleases, and thus wields an authority nearly despotic. There is doubtless an appeal from his acts to the Government of India, which is close at hand; but appeal from a Governor-General, as Governor of Bengal, to the same Governor-General, in his Council of India, is not a very effective check. It may be called an appeal from Philip drunk to Philip sober; but it is always an appeal from Philip to Philip, and it is not every Philip that readily acknowledges an antecedent infirmity. Thus the constitution of 1833 has heaped too much power, too much work, and too much responsibility, not on the Government of India, which could not well be overloaded, but on the Governor-General personally, and has reduced the well-paid counsellors to a subordinate and inferior condition, giving them duties less onerous and burthensome than their salaries entitle the country to expect from them.

The relation of the Government of India to the

other presidencies, and especially to Madras and Bombay, as established by the Act of 1833, has also been much objected to. Those Governments complain of the deprivation of legislative powers, and state that the projects of law submitted from their unrepresented presidencies do not meet with an impartial or fair consideration from the Council of India, composed as it is generally of Bengal civilians. The checks upon their power of expending money upon roads and public works without sanction is also an alleged grievance, and it is one that finds an echo in Manchester amongst those who are agitating for a larger development of the resources of India, and who readily therefore take up any allegation of restraint on the application of the public revenue to purposes calculated to promote that development.

There have been several propositions submitted for improving the machinery of the supreme and local governments thus provided. First, for the Legislative Council, it has been proposed to extend the number largely by the addition of selected members, either unsalaried, or less liberally salaried than those at present promoted from the covenanted services; and thus to associate intelligent natives of the country, or any resident Europeans who may have shown talents for legislation, in the manner done in several instances to form Colonial Legislatures. It has also been proposed, to increase the number of ordinary counsellors of the covenanted class by the addition of a promoted servant from each minor presidency. Mr. Campbell has proposed



a widely different scheme. He would convert the secretaries to the Government of India into responsible ministers for their respective departments, and would associate them in a council of government, in the same manner as the cabinet ministers of England form their council for affairs of more than ordinary moment.

There are serious objections to every one of these schemes. The association of lay members, not of the covenanted services, would open the door to jobbing and intrigue, and possibly to agitation and faction, to procure the distinction. The selection, if left to the Governor-General, would be made either from personal favour, or with views to strengthen his own power, and assist the carrying of particular measures; and if the lay members were not on equal terms in point of salary and rank with those promoted from the services, that difference would be a source of perpetual jealousy and opposition. Such a council would never act consistently for any useful end, and in proportion to its augmented number would always be more difficult of management, and more likely to assert views of independence, and of opposition to the authorities in England; while, being composed of residents at the seat of government only, its views would be local and exclusive, and it would less meet the wishes of other presidencies and of the general population of India, than the present body, chosen from those who have served in different divisions of the country.

The association of an additional member from

each unrepresented presidency is not open to objections of the same description. The expense of such an increase is the most material circumstance, and the suggestion, that to provide for this, one member from the existing councils of Madras and Bombay might be withdrawn, does not meet the difficulty: for a Governor, with a single constitutional adviser, liable to sickness, and always overruled by a casting vote, would possess but the shadow of a council, while the scheme would give to the Governor the power of abusing its name. Again, the covenanted services of the three presidencies are not equal in number—Bombay has but 100 working civilians; Madras, 150; while Bengal has 400. Even upon the assumption, therefore, that Bengal were to furnish two members to the Supreme Council, one from each of the other presidencies would not be an equal representation; and the selection from so limited a number as they respectively possess, might fail to give the proper average of superior talent, besides exciting jealousy, from a very junior servant often so finding promotion before older and more deserving servants of the larger presidency.

These are all objections to the scheme of presidency representation; and it is, besides, not consistent with the principle wisely intended to be introduced by the Act of 1833, viz. that of opening the Supreme Council to the distinguished of every service. It would evidently tend to confine selection more than at present to the particular class of covenanted civilians.

The plan of creating a council of executive

responsible ministers, by associating the working secretaries of the Supreme Government in consultation, would make those officers too independent of the head of the Government, if holding their offices by appointment from England; on the other hand, they would be too subservient, if nominated by the Governor-General and removable by him. The difficulty, indeed, of an independent selection for executive combined with legislative duties appears to be insuperable: this scheme, therefore, is not likely to win favour either in England or in India.

To come back, then, to the original question:—Are we to consider four ordinary members, besides the Governor-General and Commander-in-Chief, a proper number for the Legislative Council of India? Does this number secure sufficient deliberative wisdom and efficiency?—and if so, shall it be composed as at present, or with any—and what—modifications? We incline to look upon four selected men, taken from the entire body of covenanted Indian servants, as a very efficient Council; and if two of these be assigned, as at present is done in practice, to the Bengal civil service, the remaining two might be left open to be filled from all classes of either presidency, possessing the requisite qualifications. One is now taken from the English bar and called the Legislative Member. This is a distinction that we see no reason to retain. Every ordinary member of the Council should have equal duties and equal responsibilities. If a lawyer is wanted merely to draw acts and superintend the wording of legislative proceedings, he

should be an executive officer and not a deliberating member. For the Legislative Council, a judge from the Bench of the presidency in which the Council might hold its sittings would be a far better associate, and it would add little to the expense of the Council to place the Chief Justice of Bengal there, with an equalized salary, in like manner as the Commander-in-Chief has his seat at the Board, when at the Presidency. The association of such a member would add greatly to the prestige of Indian Legislation, and the days are passed when the duties of the Bench in India would be considered incompatible with association in the work of legislation for its populations. The Governments there and the Royal Courts stand now nearly in the same relation to one another as the Government of this United Kingdom and the twelve Judges, of whom the chiefs have always their seat in the House of Lords. In the Council of India, the Chief Justice of Bengal would, of course, sit for legislation only. He would take no part in the executive administration of any presidency, and might, like the present Legislative Member, be prohibited from sitting and voting when other business was under consideration.

Thus the Supreme Government of India would stand thus:—The Governor-General, president as now, and with the same power as now of acting on his sole responsibility in any matter of political exigency, under the condition of full record and immediate report. With the same power also of veto upon any legislative act, and of absenting him-



self from the Council for any war or other emergency requiring his presence.

The Commander-in-Chief when so appointed by the Home Authorities, and when present at the seat of Government.

Four ordinary members, each of whom must have served twelve years in some one of the covenanted services, and two of whom must be selected from the Bengal civil service, including, of course, the officers serving under the Lieutenant-Governor of Agra or any other Lieutenant-Governor.

The Chief Justice of Bengal to be, *ex officio*, a member of the Legislative Council, and to rank in the Council after the Governor-General and Commander-in-Chief.

A secretary for legislation to be added to the secretariat, who shall be a barrister of not less than ten years' standing. This appointment, if the selection be judiciously made, will go far to supersede the necessity for a Law Commission, and the hope of obtaining it, if practice in India be required for qualification, would give an influence over the Indian bar—now a hostile body—which it is very desirable that the Government should possess.

It remains only to consider, whether Calcutta shall be continued as the seat of the Supreme Government. It is hot and disagreeable, and not in the centre of the territory to be governed. These are the only objections urged against it. On the other hand, it is the emporium and only seaport for the trade of the entire Gangetic plain, and must therefore always be the head-quarters of commerce

and of finance, and the port of principal communication with Europe. The river Indus can never supersede the Ganges in this respect, nor can any system of railroads give equal facilities for the transport of merchandise; and until they do so, the rivalry of Bombay, on the ground of greater proximity to England, will be of little avail. By railroads and telegraphic lines, moreover, a power of prompt and executive action and control can be obtained and established from any point,—and from Calcutta, therefore, as conveniently as from any other; so that a central position is of inferior importance. On the other hand, India has external relations to be maintained and commanded by sea. We have had in the past twenty years a war with China, besides that now waging with Ava; and for these no place can be more convenient for headquarters than Calcutta. The bulk of the army, indeed, is not in its vicinity,—and it is for obvious reasons better that the seat of Supreme Government should be exempted from the inconvenience of an accidental military outbreak, or of an army's temporary dissatisfaction with obnoxious measures.

The sole objection, therefore, to which there is no answer, is the disagreeableness of the climate, which is likely always to be a personal motive with the head of the Government for seeking reasons for absenting himself. The question thus resolves itself into the mere comfort and convenience of the Governor-General; for the promotion of which it is recommended to found a new city somewhere *in nubibus*, where he and his council and secretariat

may reside, like the mythical Jove, with his council of gods, and messengers, and ministerial agents, to control and direct the affairs of the Indian world. The more this proposition to change the seat of Supreme Government is examined, the less will it be found reasonable on any public ground, or productive of any practical benefit; and we presume the British Legislature will not on the present occasion listen to the suggestion. Calcutta—or, in legal phrase, Fort William in Bengal—must therefore continue to be the seat of the Supreme Government of India.

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## CHAPTER XIII.

### MINOR GOVERNMENTS AND SERVICES—CONCLUSION.

PROCEED we now to inquire into the proper constitution for the presidency Governments.

The attempt to divide Bengal into two presidencies failed, because its army and its civil service and its Supreme Court could not be divided. The failure suggested the appointment, instead, of a Lieutenant-Governor, to whom might, by delegation, be assigned all such powers as could most beneficially be exercised locally. The success of this substituted measure has led to the suggestion that a similar scheme of government by delegation might be introduced in Bengal in lieu of the present constitution, which assigns that presidency to the Governor-General, with power to nominate one of his council as Deputy-Governor. The suggestion is well de-

serving of consideration, but leaves unsettled the constitution of government to be fixed for the Presidency by the regulating Act of 1853.

The rational method of carrying out this suggestion, and of making provision for the permanence of the temporary arrangement, already made for the Agra division of Bengal, is to re-annex the governments of the entire Presidency of Fort William, in Bengal, including Agra, the Punjab, and all recent conquests to the east, to the Government General of India,—that is, to the Governor-General in his Council of India; giving to that authority a power, by legislative act, to create a Lieutenant-Governor, for any division or part of that Presidency that may be deemed expedient, subject, of course, to approval and confirmation by the authorities in England, who might also have a voice in the nomination or approval of the Lieutenant-Governor appointed. Under this plan, the military, the finance, the service management, and everything connected with the seat of Government and its institutions, would be retained by the Supreme Government,—that is to say, by the Governor-General in Council; and if a Lieutenant-Governor be deemed necessary for Bengal, or for Behar and Benares, such a delegate might be located in the position most convenient for superintendence of the local administration, without interfering with the concerns of the presidency town, and he would always act in such subordination to the superior authority there maintained, as the exigencies of the case might require. A similar Lieutenant-Governor might be appointed for the Punjab, and another



for Pegue and the Tenasserim Provinces; a third for Singapoer and the Straits settlements, with functions specifically defined and suited to the circumstances of each division of territory; and the Supreme Government possessing the power of revising or modifying each arrangement, would be able to settle every point of difficulty, either executively, or by fresh legislation

It may be laid down, however, as a settled principle, that there ought not to be any intervening authority, that is, no deputy or lieutenant-governor, to intercept the relations of the people, and of the public functionaries, with the supreme authority at the immediate seat of Government. What would be thought of a proposal to appoint a lord-lieutenant for England, and to place him in London, to superintend all the affairs which are now concentrated in this great capital,—to have a local government so established, that constitutionally no application could be made to the executive of the Queen, unless it came through that authority? Complaints of delay, and of the inaccessibility of the supreme, and really governing body, would soon compel the removal of such an intermediary, and yet a Lieutenant-Governor at Calcutta, for the local government of Bengal, would be precisely in that position; and the fact that the Government of England is Imperial, controlling the subordinate governments of Ireland, of Scotland, and of fifty colonies, presents a case analogous with the functions of the Supreme Government of India, if that character were deemed a reason for relieving it of the local administration. The neces-

sity of giving to the supreme executive, local jurisdiction, and a direct influence in the local administration, has been fully recognised in the constitution of the United States of America, where the city of Washington exists as a separate state, administered by the general government of the Union. Why should not the same scheme be adopted in India? The convenience of the public service will be much consulted, by leaving the finance, and the great concerns of trade, of education, and of the mints and banks, and monetary system of India, which centre in Calcutta, to be managed by the officers of the Supreme Government, under the direct orders and supervision of the Governor-General and his Council, in the same manner as they were managed heretofore. The local public has not been satisfied with the arrangement, under which many of these concerns were transferred to the one secretary for Bengal, to be conducted by him in communication with a Deputy-Governor, often not at all acquainted with such matters.

We are altogether opposed to the proposition, that a similar plan of appointing Lieutenant-Governors, should be extended to the presidencies of Madras and Bombay, which, having their separate armies, Supreme Courts, and civil services, stand altogether in a different relation to the Supreme Government,—from the presidency whose Government has been elevated to the higher rank. Those presidencies have their separate record, and correspondence with the authorities of England, and unless this be withdrawn, and the correspondence with these

be made to pass entirely through the Government of India, they must continue to exercise the same independent authority over their civil and military servants that they do at present; and for that purpose a council is indispensable. But the claim of those governments to have the power of legislation restored, and to be freed from the control over expenditure, and over the creation of new offices, or the grant of emoluments or pensions, is one that can never be allowed, unless they be governed as separate dependencies of England, and be made altogether independent of the supreme authority, to which the nation looks for the general superintendence of its possessions in India. The claim has been supported by the evidence of members of council and secretaries of the governments which claim immunity from what they represent as a vexatious and unnecessary control. But the evidence of such witnesses should be received with distrust; and it behoves the Committees now sitting, to examine to the bottom every case that may be cited or referred to by them, as instances of unnecessary delay, vexation, or wrong refusal of sanction, and to take nothing of the kind for granted. It may perhaps be found that the drafts of laws submitted from those presidencies came up in a condition not fit to be passed, and that much of the legislation that did take place for those presidencies in the course of the past twenty years, either originated with the Government of India and its officers, or was re-cast prior to its being enacted. In like manner, the cases of reference on executive measures may not be found to tell

favourably for the wisdom of the minor presidencies or for their discretion ; and if they assert that their references have not received a fair consideration, the *onus* is upon them distinctly to cite instances, and to make out the case by producing the correspondence.

Thus, so far as concerns the governments of Madras and Bombay, there would not seem to be sufficient reason shown for changing in any respect their status or powers relatively either to the Home authorities or to the Government of India. The only point that needs the attention of the Imperial Legislature, is the question, whether aggrieved servants of these presidencies are to be allowed an appeal to the Government of India, or are to be required, as at present, to make their appeal to the Home authorities, to whom all questions concerning their conduct, and the punishment of those who transgress, are now directly referred. For the remainder of the vast and varied possessions of the nation, whether of recent or of more ancient acquisition, it will suffice to place them formally under the Government of India along with the presidencies of Bengal and Agra, giving to this authority full power to provide for their government, or for the government of any part of them, by the appointment of a Lieutenant-Governor, with such delegated authority as the council in its wisdom may prescribe.

With respect to the services now vested with the extensive duties of administration in all departments, Parliament will not, it is presumed, feel



inclined to make any material organic changes in them. The examinations, as the test of fitness for nomination, the Colleges of Haileybury and Addiscombe, for adding further special instruction of the kind needed, are admirable institutions in principle, though perhaps susceptible of much improvement. In like manner, the collegiate and other instruction in the languages of the country, which the young men are required to submit to on their arrival in India; and the examinations, by which the acquisition of this and of other knowledge is enforced, are very fit subjects for inquiry by the Committees sitting, but by no means proper objects for imperial legislation. There is, however, one point on which a specific enactment will be required, and that is for repeal of the existing provisions which require servants compelled to leave the country for sickness contracted in the noxious climate of India, to proceed to the Cape of Good Hope, to Australia, or anywhere but to Europe. Steam has now so shortened the voyage direct to the United Kingdom, that the Cape is no longer a midway station. The rules for furlough and for sick-leave require, therefore, to be adapted to the new state of the communications between the two countries. The details of the rules to be framed cannot be included in any Act of the Imperial Legislature: it will suffice for it to prescribe the limit of absence which shall be deemed to be a vacation of office, and the further limit which shall entail an absolute forfeiture of the service.

Such being the view which, after much considera-

tion, has strongly impressed itself on our conviction, as to what Parliament can and ought to do on this occasion, and what it cannot and ought not to interfere with, it results that there can be no good reason why the measures required should not be brought forward and carried through in the present session, so as to make no deviation from the precedent of vigessennial legislation observed in 1793, in 1813, and in 1833. It is mere clamour, for purposes of continued agitation, and with ulterior views of unsettling everything, both here and in India, that has raised the plea and pretence, of delaying legislation till every matter opened by the wide field of inquiry, indicated by the programme of the Committees sitting in both Houses, has been thoroughly sifted. The question each member of the legislature has to ask himself is, whether he intends and wishes that every branch of Indian government shall be submitted to his individual judgment and understanding, and be regulated by specific acts originating in the chamber where he sits. If not, he must surely see that, let the result of the inquiries that have been or are to be instituted be what it may, the course of policy decided to be best must be carried out by authorities in India; and therefore all he has to do is, to provide such authorities as will be competent effectually to do what may be needed, and to consider the best constitution for those authorities.

There is no shrinking from inquiry on the part of the India-House, or of the Board of Control, or of the Indian executive and the public servants employed there. All these court, and have all

along wanted, the fullest investigation; and all are looking to the possibility that some new lights may be struck out in the course of the inquiry, of which they may avail themselves for the improvement of admitted errors and defects of the system. Why, however, is the cry for full inquiry only raised just now? Why did we hear nothing of it till the recent change of Government? If full inquiry were a necessary preliminary to legislation for India, why was it not commenced before Lord John Russell resigned in 1852? It was not the interest or the object of any party then to delay the expected measures for renewal of the trust management of this vast empire in the hands to which it had been committed. The motive for asking for delay now is clear: it is for purposes of obstruction and of mischief, and for nothing else, that this course is taken at this particular juncture. It is hoped to unite in a vote for first prosecuting a lengthened inquiry to a conclusion, members of many parties, who could have no possible agreement upon the votes that would have to be taken, upon the result of such inquiries, nor even as to the reasons for delaying present legislation. What is this but faction of the worst description, such as no good Conservative can support by his vote, or in any way countenance?

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